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TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS

The Joint Procurement Regulations, formerly published as Parts 801 to 813, inclusive, of Chapter VIII, Title 10, are amended by rescinding §§ 802.108, 802.108–1, 802.108–2, 802.108–3 and 802.109 and substituting the following in lieu thereof:

§ 802.108 *Disqualified bidders.*

§ 802.108–1 *In general; persons and firms disqualified.* (a) Contracts shall not be placed with persons or firms who are indicated to be in any of the following categories of disqualified bidders:

(1) Persons or firms found by the Secretary of Labor to have breached or violated contractual representations and stipulations required by the Walsh-Healey Act, and reported by the Comptroller General;

(2) Persons and firms which have been held ineligible to be awarded contracts subject to the Walsh-Healey Act under provisions of section 5 of that act, and reported by the Department of Labor;

(3) Persons and firms found by the Comptroller General to have violated the requirements of the Bacon-Davis Act, and reported by the Comptroller General;

(4) Bidders to whom awards will not be made (debarment) as determined by the Departments of the Army, Navy, and Air Force, including violators of the Buy-American Act (ASPR 6–108). The provisions and requirements of the Walsh-Healey Public Contracts Act and the Bacon-Davis Act, referred to in subparagraphs (1), (2), and (3) of this paragraph, and the procedures thereunder, including report of violations, are covered in Part 809—Labor, of this chapter.

(b) Inquiries from contractors or individuals listed as ineligible or disqualified by the Comptroller General and the Department of Labor under the Walsh-Healey or Bacon-Davis Acts will receive replies indicating the nature of the prohibition as indicated on the consolidated list (§ 802.109–1 (l) and AFR 70–8) and requesting that the inquirer communicate with: Wage and Hour and Public Contracts Division, Department of Labor, 14th Street and Constitution Avenue, NW., Washington 25, D. C.

§ 802.108–2 *Department of the Army; bidders to whom awards will not be made; debarment*—(a) *In general.* Debarment of a bidder for acts constituting fraud or attempted fraud against the United States is a drastic administrative action which may be taken by the Department and must be based on adequate evidence rather than on accusation. The Comptroller General states "When the interests of the United States require the debarment of a bidder no question will be raised by this office with respect thereto: *Provided,* The length of time of such debarment is definitely stated and not unreasonable, and the reasons for the debarment, with a statement of the specific instances of the bidder's dereliction, are made of record and a copy thereof furnished the bidder and this office."

(b) *Determination of debarment.* The determination to debar a bidder from future bidding on Department of the Army contracts will be the responsibility and within the authority of the Director of Logistics (Chief, Current Procurement Branch). Recording of the debarment, and furnishing advice of the action to the contractor and the Comptroller General will also be a function of the Director of Logistics (Current Procurement Branch).

(c) *Request for debarment.* Requests for placement of a bidder upon a "confidential" list of bidders to whom awards will not be made may be initiated by any procuring activity of this Department and forwarded through channels, to the Director of Logistics, Attention: Chief, Current Procurement Branch, for determination.

(d) *Adequacy of request for debarment; responsibility.* A request for debarment will be submitted in triplicate and will contain a complete certified statement of the facts concerning the bidder's dereliction, including affidavits, depositions, records of investigators and investigative boards, citations to court action, if applicable, etc. The names and addresses of all persons having knowledge of the circumstances will be included. The chief of a procuring activity will be responsible for the adequacy and propriety of all requests, particularly as to basis and adequacy of evidence, as may be initiated under his command.

(e) *Procedure after debarment.* When the Director of Logistics (Chief, Current

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Procurement Branch) after consideration of the evidence submitted, determines that it is in the best interests of the Government to debar a bidder from future bidding on Army contracts and so notifies the procuring agencies, the following procedures become effective:

(1) No awards will be made to any debarred bidder during the period specified for debarment.

(2) Debarred bidders will not be carried on any bid mailing lists and bids will not be invited from them.

(3) In the event that a bid is tendered by any debarred bidder, it will be received and recorded with the other bids offered on the purchase. If the (debarred) bid is low, it will then be rejected, the reason to be given on the certificate to the General Accounting Office to be as follows: "In accordance with the decision of the Comptroller General of the United States contained in his letter to the Secretary of War, dated July 23, 1929, the bid of _____ is rejected because of previous unsatisfactory business dealings with the Department of the Army."

(4) All inquiries relating to debarred bidders will be forwarded to the Director of Logistics, Attention: Current Procurement Branch.

§ 802.108–3 *Department of the Air Force.* Policies and procedures to be followed with respect to the USAF Disqualified Bidders List are set forth in AFR 70–8.

§ 802.109 *Fraud or criminal conduct in connection with Army and Air Force contracts; consolidated listing of ineligible contractors and disqualified bidders by each Department.*

§ 802.109–1 *Department of the Army; fraud and criminal conduct.* (a) The prompt reporting of suspected fraud or criminal conduct is of extreme importance and must necessarily be accomplished primarily by personnel in the field. All persons concerned with negotiation, administration, settlement, etc., of Army contracts will be on the alert for the possibility of fraud at all times. There has been established in the Criminal Division of the Department of Justice a War Fraud Unit, the duty of which is to take appropriate action as expeditiously as possible in all cases where criminal conduct or fraudulent activity is believed to exist in connection with contracts entered into by the Government with private commercial concerns and all other organizations or individuals in connection with Army procurement activities.

(b) *Reporting procedure.* The Secretary of the Army requires that a report be made to his office of instances of possible violation of any Federal Statute in connection with Army contracts or related matters, including evidence of possible fraud involving contract termination, administered either under these regulations or under preceding regulations still in effect in specific instances (i. e., JTR (PR 15); WDPR). A report of such possible violation should contain a full statement of the pertinent facts indicating alleged criminal conduct, fraudulent activity, or suspicion thereof; will be supported by appropriate exhibits; and will include status report indicated in paragraph (e) of this section. The service reporting suspicion of fraud will be responsible, within its own service, for the carrying out of the responsibilities and prohibitions contained in paragraphs (d) through (k) of this section concurrent with the submission of such report. All reports and exhibits, and all supplements thereto, including interim correspondence, are to be transmitted through channels, in quadruplicate, to the Director of Logistics, General Staff, United States Army, Washington 25, D. C., Attention: Current Procurement Branch. The Director of Logistics (Current Procurement Branch) will examine and forward such reports and exhibits, in triplicate, to the Office of the Assistant Secretary of the Army (Assistant Judge Advocate General, Procurement Division) for coordination and necessary action with the Office of the Inspector General and with the Department of Justice, if appropriate.

(c) *Suspensions.* Formal suspension directives, when necessary and requiring the responsibilities and prohibitions contained in paragraphs (d) through (k) of this section, will be issued by the Director of Logistics (Current Procurement Branch). When appropriate, the specific details or summary thereof concerning the suspicion of fraud or apparent criminal action will be supplied to the technical services for information and guidance.

(d) *Responsibility.* The heads of administrative and technical services will be responsible for taking the appropriate administrative actions indicated in paragraphs (e) through (k) of this section upon receipt of notice of suspension or when reporting suspicion or evidence of fraud or criminal conduct.

(e) *Preliminary reports.* As soon as possible after receipt of the notice of suspension, and within 30 days, or when reporting suspicion of fraud each service will submit a brief report, in quadruplicate, indicating the current contractual relationship between the suspended contractor and the reporting service. This report need only consist of a statement of the status of outstanding contracts, either proposed, current, or terminated but unsettled, together with an estimate of any amounts of money due and owing the suspended contractor by the reporting service. The extent to which such persons or firms are considered necessary and essential suppliers will be indicated. Negative reports indicating no current or proposed contractual relationship are required.

(f) *Procurement.* (1) The administration of contracts on which performance is current will not continue without the specific approval of the Director of Logistics (Current Procurement Branch). When the circumstances concerning a current contract with a suspended contractor are such that an immediate decision is necessary relative to any phase of contract administration, including acceptance of deliveries, direct communication with the Assistant Judge Advocate General, Procurement Division (representing The Assistant Secretary of the Army) is authorized provided that the items being procured are:

(i) Urgently and vitally needed for national defense;

(ii) Component parts or portions of other items being procured from contractors other than the suspended contractor and the end item is urgently needed and vitally necessary to national defense;

(iii) Are of such a nature that withdrawal of inspectors or discontinuance of any other contract administration functions would greatly increase any costs for which the Government may be liable under the contract; or

(iv) Of any nature which necessitates an immediate decision by the Office of The Assistant Secretary of the Army or the Department of Justice. In requesting such emergency decision, extreme care will be taken to present all known facts and the specific modification(s) believed necessary. Such requests, when imperative, may be made by telephone, telegram, or special delivery, or in person, if appropriate and necessary. Copies of the request and subsequent discussions or decisions resulting from such direct communication will be recorded by the contracting officer or office making the request and furnished to:

Office of The Assistant Secretary of the Army (in triplicate) (Attention: Assistant Judge Advocate General, Procurement Division).

Office of the head of the service concerned (as required by that office).

Chief, Current Procurement Branch, Procurement Group, Logistics Division, General Staff, United States Army (in duplicate).

All requests, other than those of the urgent nature indicated above, will be made through the normal channels (Current Procurement Branch, Logistics Division, GSUSA).

(2) No additional procurement will be made from, nor any commitments given to, firms or individuals suspected or having defrauded the Government or of having been placed in suspension, until written clearance for each individual procurement has been obtained from the Director of Logistics (Current Procurement Branch) who will coordinate the matter with the Office of The Assistant Secretary of the Army (Assistant Judge Advocate General, Procurement Division).

(g) *Termination.* Negotiation towards settlement of terminated contracts will cease with the suspended contractor, his affiliates, subsidiaries, etc. Negotiations must likewise cease with respect to terminated subcontracts either let or held by the suspended contractor and with all lower tier subcontractors of suspended contractor. All delegations of authority, if any, under JTR 642 (PR 15) or under any like regulation will be immediately revoked without explanation.

(h) *Payments.* (1) No payments of any type will be made to any suspended contractor either under procurement or termination unless specifically directed. Upon receipt of notice of suspension, disbursing officers will promptly forward any administratively approved vouchers in or coming into their possession to the Office, Chief of Finance, Attention: Receipts and Disbursement Division. Pro-

curing agencies, holding or in receipt of properly certified invoices covering amounts properly due the suspended contractor, will prepare and process (Administratively approve) the necessary vouchers and will forward the certified vouchers to the Office, Chief of Finance, Attention: Receipts and Disbursement Division through their assigned disbursing officers inviting attention to the fact that the contractor concerned is under suspension. This procedure will be followed whenever any additional or new amounts become due during the period of suspension.

(2) In cases where, in the opinion of the contracting officer, it is believed that circumstances surrounding either the procurement or the suspicion of criminal conduct are of such a nature as to permit or require complete or partial release of withheld funds due and owing the suspended contractor, recommendation for such release, including a full statement of the particulars supporting such recommendations may be made by the contracting officer, through channels, to the Director of Logistics (Current Procurement Branch) who will coordinate the determination of the matter, through the Office of The Assistant Secretary of the Army (Assistant Judge Advocate General, Procurement Division), with the Department of Justice.

(i) *Release from suspension.* After a contractor has been placed in suspension, as indicated above, such suspension will not be lifted until such action has been approved by the Director of Logistics (Current Procurement Branch) who will coordinate the matter with the Office of The Assistant Secretary of the Army (Assistant Judge Advocate General, Procurement Division).

(j) *Investigating agencies.* When a firm or individual has been suspended because of suspicion of fraud, the contracting officer will ordinarily address his own inquiries, in quadruplicate, as to status and progress of the case in question, through channels, to the Director of Logistics, General Staff, United States Army, Washington 25, D. C., Attention: Current Procurement Branch, and will not contact the local offices of the Department of Justice or the Federal Bureau of Investigation in such connection. Full cooperation, however, will be given to the representatives of the Department of Justice and the Federal Bureau of Investigation, when requested by such offices and when authorized.

(k) *Contact with suspended contractors.* Reports required by the regulations in this part and all action accomplished relating thereto are "confidential." In the event of a suspended contractor making inquiry as to reason or cause of prohibitions indicated above, or for any other reason, the supplying of any information relating to the suspension, either by reference or detail, is prohibited. Instead, the contractor will be advised that consideration is being given his contract, or relationship, by the Office of The Assistant Secretary of the Army, Washington 25, D. C., Attention: Assistant Judge Advocate General, Procurement Division, and all inquiries regarding such matters should be addressed in writing direct to that office. Civil and courteous treatment, however, will be accorded such inquiries and continuation of contractual relationship will be permitted only when specifically authorized.

(l) *Consolidated listing of suspended and ineligible contractors and disqualified bidders.* In conjunction with the information and actions contained in the preceding paragraphs of the regulations in this part, a consolidated "confidential" list will be issued by the Director of Logistics (Current Procurement Branch) for publication through The Adjutant General, for the use and guidance of all interested agencies of the Department of the Army. The comprehensive list will be composed of an alphabetical listing of all firms or persons suspended, ineligible, or disqualified from entering into contractual relationship with the Government. Information will be supplied indicating the reason for and the extent of the suspension or prohibition. The listing shall comprise the following groups of persons and firms which are subject to the prohibitions indicated:

(1) *Suspensions initiated by the Army and affecting Army contracts.* Contractors who have been disqualified or declared ineligible in accordance with the procedures and prohibitions prescribed in paragraphs (c) through (k) of this section and in § 802.108 or suspended under like circumstances by the other Departments of the National Military Establishment.

(2) *Suspensions initiated by agencies other than Army and prohibitions effected.* (i) Persons and firms listed by the Comptroller General in accordance with the provisions of section 3 of the Walsh-Healey Public Contracts Act (act, June 30, 1936; 41 U. S. C. 35) which have been found by the Secretary of Labor to have violated any of the agreements or representations required by that act. No contracts will be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons have a controlling interest, for a period of 3 years from the dates on which it was determined such breaches occurred.

(ii) Persons and firms listed by the Department of Labor which have been held ineligible to be awarded contracts subject to the Walsh-Healey Public Contracts Act (that is, any contract for supplies in an amount exceeding $10,000) for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of said act. Such persons, corporations, or firms will not be awarded any contract subject to the act unless a change in status is shown and so determined by the Department of Labor prior to award of any such contract. The ineligibility of those persons, corporations, and firms to be awarded contracts subject to the act does not affect any rights they may have to be awarded contracts not subject to the act, nor does it affect their rights, as agents, to bid upon and be awarded, in the name of a qualified principal, contracts which are subject to the act.

(iii) Persons and firms listed by the Comptroller General in accordance with the provisions of section 3 of the Davis-Bacon Act (act, 3 Mar. 31; 40 U. S. C. 276a) found by the Comptroller General to have violated said act. No contract is to be awarded to any contractor, or any firm, corporation, partnership, or association in which the contractor has an interest for a period of 3 years from the publication of the list containing the names of the violators.

(m) *Additions to and removals from consolidated list of ineligible or suspended contractors and disqualified bidders.* Interim notices indicating additions to or removals from the consolidated list will be issued by the Director of Logistics (Current Procurement Branch) when appropriate.

(n) *Exchange of lists.* The Director of Logistics (Current Procurement Branch) will supply the Departments of the Navy and the Air Force with copies of the consolidated listing, and any interim changes thereto, for information and guidance and will publish additional information received from those Departments.

§ 802.109–2 *Department of the Air Force.* In the case of the Department of the Air Force, all reports of possible violation of any Federal criminal statute in connection with Air Force contracts or related matters, including reports of possible fraudulent activity, will be submitted in accordance with instructions contained in AF Letter 124–3.

[Proc. Cir. 2, 1949] (Pub. Law 413, 80th Cong.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49–1230; Filed, Feb. 16, 1949; 8:57 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

PART 4—WAR FOOD ORDERS (PRODUCTION AND MARKETING ADMINISTRATION)

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

EDITORIAL NOTE: The following changes have been made in Subtitle A of Title 7:

1. Section 1.52 has been excluded from the Code of Federal Regulations, 1949 Edition.

2. Former §§ 1596.5 (12 F. R. 1164, 3063) and 1596.6 (12 F. R. 3395) have been redesignated §§ 4.2 and 4.3.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 3—ORGANIZATION OF FORCE

DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: The codification of Part 3 (§§ 3.1 and 3.2) has been discon-

tinued. Future amendments to this material will be published in the Notices section of the FEDERAL REGISTER.

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 60—DOMESTIC URANIUM PROGRAM

CODIFICATION OF SCHEDULE I

EDITORIAL NOTE: Schedule I to § 60.3, Minimum Prices, Specifications and Conditions, has been codified as § 60.3a.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 65]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule B is amended by incorporating Item 44 as follows:

44. Provisions relating to the Columbia Defense-Rental Area, State of Mississippi.

Decontrol based upon the recommendation of the Local Advisory Board. The application of §§ 825.81 to 825.92 is terminated in the Columbia Defense Rental Area, State of Mississippi.

2. Schedule A, item 163a, is amended to read as follows:

163a [Revoked and decontrolled].

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

This amendment shall become effective February 17, 1949.

Issued this 14th day of February 1949.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 65 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Columbia Defense-Rental Area, State of Mississippi, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, as amended, recommended the decontrol of said Defense-Rental Area.

The Housing Expediter has found that this recommendation is appropriately substantiated and in accordance with applicable law and regulations and he is, therefore, issuing this amendment to effectuate the recommendation.

[F. R. Doc. 49-1250; Filed, Feb. 16, 1949; 8:58 a. m.]

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627.

[Controlled Housing Rent Reg.,[1] Amdt. 67]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule B is amended by incorporating Item 43 as follows:

43. Provisions relating to Columbia Defense-Rental Area, State of Mississippi.

Decontrol based upon the recommendation of the Local Advisory Board. The application of §§ 825.1 to 825.12 is terminated in the Columbia Defense-Rental Area, State of Mississippi.

2. Schedule A, item 163a, is amended to read as follows:

163a [Revoked and decontrolled].

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

This amendment shall become effective February 17, 1949.

Issued this 14th day of February 1949.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 67 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Columbia Defense-Rental Area, State of Mississippi, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, as amended, recommended the decontrol of said Defense-Rental Area.

The Housing Expediter has found that this recommendation is appropriately substantiated and in accordance with applicable law and regulations and he is, therefore, issuing this amendment to effectuate the recommendation.

[F. R. Doc. 49-1249; Filed, Feb. 16, 1949; 8:58 a. m.]

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 550]

ALASKA

WITHDRAWING PUBLIC LAND FOR HIGHWAY PATROL STATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral leasing laws, and reserved and set apart under the jurisdiction of the Department of the Interior for use by the Alaska Highway Patrol, Territory of Alaska, as a site for a highway patrol station:

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W.,
Sec. 24, W½SE¼SW¼SW¼.

The area described contains 5 acres.

The reservation made by this order shall take precedence over but shall not modify Executive Order No. 9145 of April 23, 1942, reserving a right-of-way 200 feet wide, 100 feet on each side of the center line of the Palmer-Richardson Highway, and Public Land Order No. 46 of October 8, 1942 withdrawing public lands for classification and in aid of legislation so far as they affect the above-described land.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1949.

[F. R. Doc. 49-1206; Filed, Feb. 16, 1949; 8:51 a. m.]

[Public Land Order 551]

ALASKA

REVOKING EXECUTIVE ORDERS NO. 2854 OF MAY 2, 1918 AND NO. 2938 OF AUGUST 16 1918

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847 (43 U. S. C., sec. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Orders No. 2854 of May 2, 1918, and No. 2938 of August 16, 1918, withdrawing the following-described public lands in Alaska for the purpose of supplying timber for use in the construction of aeroplanes for the United States, are hereby revoked:

An area extending 10 miles back from the tide line around Lituya Bay, and an additional tract lying south of latitude 58°50' N., and west of longitude 137°40' W., bounded on the west by the Gulf of Alaska.

The areas described aggregate approximately 350 square miles.

The lands are subject to Proclamation No. 2330 of April 18, 1939, enlarging the Glacier Bay National Monument.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1949.

[F. R. Doc. 49-1208; Filed, Feb. 16, 1949; 8:51 a. m.]

[Public Land Order 552]

IDAHO

RESERVING PUBLIC LAND FOR USE BY FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Idaho is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for use by the Forest Service, Department of Agriculture, in connection with the administration of the Sawtooth National Forest, as an addition to the Ketchum Ranger Station Site, withdrawn by Executive Order No. 4415 of April 10, 1926:

BOISE MERIDIAN

T. 4 N., R. 18 E.,
Block 39, lot 7, Ketchum Townsite.

The area described contains 5,500 square feet.

It is intended that the public land described in this order shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1949.

[F. R. Doc. 49-1209; Filed, Feb. 16, 1949; 8:51 a. m.]

[Public Land Order 553]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF ALASKA RAILROAD AS TERMINAL AND STATION GROUNDS AND FOR GRAVEL PITS

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914 (38 Stat. 305, 48 U. S. C. sec. 304), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including mining and mineral-leasing laws, and reserved for the use of The Alaska Railroad, Department of the Interior, for terminal and station grounds and gravel pits:

FAIRBANKS MERIDIAN

T. 6 S., R. 8 W. (Unsurveyed),
Sec. 27, W½SW¼;
Sec. 28, S½;
Sec. 32, SE¼NE¼ and E½SE¼;
Sec. 33;
Sec. 34, NW¼NW¼.
T. 7 S., R. 8 W.,
Sec. 4, lots 3 and 4, S½NW¼ and SW¼;
Sec. 5, lot 1, SE¼NE¼ and SE¼;
Sec. 8, E½NW¼, NE¼, that portion lying west of The Alaska Railroad right-of-way.

The areas described aggregate approximately 1,889 acres.

J. A. KRUG,
Secretary of the Interior.

FEBRUARY 7, 1949.

[F. R. Doc. 49-1211; Filed, Feb. 16, 1949; 8:52 a. m.]

[Public Land Order 554]

MONTANA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF AGRICULTURE, AND REVOKING EXECUTIVE ORDER OF AUGUST 5, 1878, SO FAR AS IT AFFECTS LAND THUS WITHDRAWN

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described land in Montana is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved for the use of the Forest Service, Department of Agriculture, in connection with research activities of the Northern Rocky Mountain Forest and Range Experiment Station:

PRINCIPAL MERIDIAN

T. 13 N., R. 19 W.,
Sec. 30, SW¼SW¼ (lot 4).

The area described contains 40.02 acres.

It is intended that this land shall be returned to the administration of the Department of the Interior when it is no longer needed by the Department of Agriculture for the purpose for which it is reserved.

The Executive order of August 5, 1878, reserving certain public lands as an addition to the United States Military Reservation at Fort Missoula, Montana, is hereby revoked so far as it affects the above-described land.

J. A. KRUG,
Secretary of the Interior.

FEBRUARY 7, 1949.

[F. R. Doc. 49-1213; Filed, Feb. 16, 1949; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—CRAB ORCHARD NATIONAL WILDLIFE REFUGE, ILLINOIS; COMMERCIAL FISHING

Basis and purposes. On the basis of observation and reports of field representatives of the Fish and Wildlife Service, and of the Illinois Natural History Survey, it has been determined that there is an excess of rough fish in Crab Orchard Lake that is interfering with sport fishing and with the production of aquatic vegetation. It further has been determined that the removal of excess rough fish is consistent with the objectives for which the area was established and can best be accomplished by licensed commercial fishing.

The following sections are added:

Sec.
33.54 Authorization
33.55 Period of fishing
33.56 Fishing licenses and permits
33.57 Reports

AUTHORITY: §§ 33.54 to 33.57 issued under R. S. 161; 5 U. S. C. 22; sec. 3, Reorg. Plan III of 1940, 5 F. R. 2107, 3 CFR Cum. Supp.

§ 33.54 *Authorization.* Commercial fishing under permit issued by the officer in charge is permitted in Area I and Area II of the Crab Orchard National Wildlife Refuge in accordance with the provisions of Parts 18 and 21 of this subchapter and subject to the requirements and limitations of §§ 33.55 to 33.57.

§ 33.55 *Period of fishing.* Area I shall be open to commercial fishing during the period from January 1 to May 1, inclusive, of each year. Area II shall be open to commercial fishing during the period from March 1 to May 1, inclusive, of each year.

§ 33.56 *Fishing licenses and permits.* In addition to such State commercial fishing license as is required under § 21.43 of this subchapter, each person fishing commercially shall possess a Federal permit issued without fee by the officer in charge. Such Federal permit shall specify the water or waters in which the permittee may fish and the period or periods during which such fishing may be performed. The officer in charge may limit the kinds of fish that may be taken and the number of permits that may be issued for any particular waters during such periods as he determines to be necessary for the protection of or to prevent disturbance to wildlife using such waters or areas.

§ 33.57 *Reports.* In addition to such reports as may be required by State law or regulation, each person authorized to fish commercially within the Refuge shall submit a report at the conclusion of each fishing season to the officer in charge, correctly stating the kinds of fish and the quantity of each taken by him and the total income received from the sale of such fish.

Dated: February 11, 1949.

[SEAL] O. H. JOHNSON,
Acting Director.

[F. R. Doc. 49-1202; Filed, Feb. 16, 1949; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

FORT HALL INDIAN IRRIGATION PROJECT

OPERATION AND MAINTENANCE CHARGES

FEBRUARY 10, 1949.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and authority contained in the act of Congress approved March 1, 1907 (34 Stat. 1024), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Regional Director, Region No. III, Portland, Oregon, September 14, 1946 (11 F. R. 10267; 25 CFR 02.8), notice is hereby given of intention to modify § 130.32 *Basic water charge*, of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against irrigable lands of the Fort Hall Indian Irrigation Project, Idaho, as follows:

By increasing the annual basic water charge per acre from $2.50 to $3.50 for each irrigable acre of land in non-Indian ownership to which water can be delivered from the project works. In addition to the foregoing change there shall be collected annually a minimum charge of $2.00 for the first acre or fraction thereof on each tract for which operation and maintenance bills are prepared.

The foregoing proposed changes are to become effective for the irrigation season 1949 and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to E. Morgan Pryse, Regional Director, U. S. Indian Service, Building 34, Swan Island, Portland 18, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

E. MORGAN PRYSE,
Regional Director.

[F. R. Doc. 49-1231; Filed, Feb. 16, 1949; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 26]

WHEAT AND OATS

PROPOSED AMENDMENTS OF OFFICIAL GRAIN STANDARDS

Correction

Federal Register Document 48-11367, appearing on page 8812 of the issue for Thursday, December 30, 1948, has been corrected in the following respects:

1. The introductory text should read as follows:

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture pursuant to the United States Grain Standards Act, as amended (7 U. S. C. 1946 ed. 71-87) is considering amending the Official Grain Standards of the United States for Wheat (7 CFR 26.101-26.121, as amended), the Official Grain Standards of the United States for Corn (7 CFR 26.151-26.159, as amended), and the Official Grain Standards of the United States for Oats (7 CFR 26.251-26.263, as amended) in the following respects:

2. Paragraph 5 should read as follows:

5. It is proposed to amend § 26.159 (c) by deleting therefrom the word "air" and substituting in lieu thereof the word "water."

[7 CFR, Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps. 900.1 et seq.; 13 F. R. 8585), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 85, as amended, hereinafter referred to as the "marketing agreement," and Order No. 36, as amended (7 CFR, Cum. Supp., Part 936), hereinafter referred to as the "order," regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., not later than the close of business on the 10th day after publication hereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and order program are formulated, was initiated by the Production and Marketing Administration as a result of proposed amendments received from the Control Committee, established pursuant to the marketing agreement and order as the agency to administer the terms and provisions thereof.

In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held at Sacramento, California, on December 6, 1948, to consider the proposed amendments was published in the FEDERAL REGISTER (13 F. R. 7356, 7417) on December 2, 1948.

Material issues. The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to provide, with respect to fresh Bartlett pears, plums, and Elberta peaches produced in the State of California:

(1) That, for the purpose of the marketing agreement and order program, (a) plums of the Beauty, Formosa, Santa Rosa, and Climax varieties be considered as a separate commodity, and (b) plums of all other varieties be considered as a separate commodity;

(2) For the restriction of the scope of section 5 of the marketing agreement and § 936.5 of the order to the regulation of daily shipments of Bartlett pears;

(3) For combining, with respect to the assessments to be paid by the handlers of the fruits covered by the marketing agreement and order, the general overhead expenses and the expenses incurred in administering regulations, so that a single rate of assessment may be established as the respective shipper's pro rata share of the expenses for each such fruit handled during each season;

(4) For the issuance of exemption certificates when mimimum standards of quality and maturity are in effect;

(5) That the definition of the term "season" be changed so as to constitute the 12-month period beginning on March 1 of each year and ending on the last day of February of the following year;

(6) For the deletion of the requirement that confidential employees be so designated; and

(7) For the modification, suspension, or termination by the Secretary of any regulation, theretofore issued and then in effect.

Findings and conclusions. The findings and conclusions relating to the material issues are based upon the evidence introduced at the hearing and the record thereof, and are as follows:

(1) The marketing agreement and order should be amended to provide for the segregation of all varieties of California plums into two separate plum categories or commodities. One such commodity should consist of plums of the Beauty, Formosa, Santa Rosa, and Climax varieties (hereinafter referred to as the "early varieties"), and the other commodity should consist of plums of all other varieties (hereinafter referred to as the "late varieties"). This segregation is consistent with the time of maturity of the plums of the respective categories which governs the time when the early varieties and the late varieties are handled.

Evidence adduced at the hearing shows that in recent years there has been a marked increase in plantings primarily of the early varieties, in producing areas

of California where plums of the same variety mature at an earlier date than in other areas. Due to the increase in plantings of early varieties in these early producing areas and the resultant increase of shipments of such varieties, the pattern of shipments of all varieties of plums from California has been so altered that shipments and sales of the early varieties now show a marketing season separate and distinct from that of the late varieties. For example, shipments of early varieties during the three seasons ending in 1947 were 55 percent greater than during the three seasons 1939 through 1941, while shipments of late varieties had increased only 6 percent over the same period. At the same time, shipments from the early producing areas constituted 77 percent of the shipments of early varieties during the 1946 and 1947 seasons, as compared with 66 percent of such shipments during the 1940 and 1941 seasons.

Plums of the Beauty, Formosa, Santa Rosa, and Climax varieties constitute what is tantamount to a distinct commodity from an economic point of view. Statistics introduced and made part of the record show that, since the inception of the program, the trend in market prices of the early varieties and the late varieties, and the year to year changes in prices of such plums, were not always in the same direction.

Commodities which normally are competitive to the early varieties of plums are not those which are competitive to the late varieties of plums. In normal seasons, shipments of cherries, apricots, peaches, and nectarines from Pacific Coast states compete primarily with early varieties of plums, whereas Pacific Coast shipments of pears, early apples, grapes, and fresh prunes compete primarily with shipments of the late varieties. Similarly, shipments of Southeastern peaches normally are made at the same time shipments of early plums originate from California, whereas shipments of peaches from the remainder of the United States compete primarily with shipments of the late varieties. Shipments of the late varieties of California plums normally are made during the period when fruits and berries are harvested in the midwestern and eastern consuming areas in the United States, while shipments of early varieties of California plums normally are made before the midwestern and eastern fruit harvest is under way. Differences in the volumes, and times of harvest, of the different fruits competitive to the early and the late varieties of California plums have caused sharply contrasting marketing conditions to exist during the shipping seasons of the respective varieties.

The marketing practices differ substantially for the early varieties of California plums as compared with the late varieties. As a rule, substantial quantities of the early varieties are sold for cash by growers. Sales on an f. o. b. basis are of considerable importance, and shipments usually are made of straight carloads of single varieties of plums in the case of the early varieties. Of the late varieties, practically no fruit is sold by producers for cash, very few f. o. b. sales transactions are found, and practically all sales are made of carloads containing numerous varieties.

Under the marketing agreement and order program, in which all varieties of California plums have been considered as a single commodity, a single parity price was determined for all varieties of plums. In view of the fact that the early and late varieties have been handled generally under sharply contrasting marketing conditions, it has been extremely difficult to ascertain, prior to the issuance of regulations during a particular season, whether or not the season price to producers of all varieties of plums would average at or below the parity level. Regulatory orders, during two of the past three seasons, were terminated before the completion of the respective marketing seasons. In each of these instances, while the suspension of regulation took place on the basis that the seasonal average price for all varieties of plums would exceed the seasonal parity price, such action occurred when current prices, and the consequent seasonal average price, to producers of plums of the late varieties were below the parity level for all varieties. It was inequitable, therefore, to producers of plums of the late varieties to require that the existence of regulatory orders applicable to such varieties be dependent, in part, upon the level of prices for the early varieties of plums.

The provisions of the marketing agreement and order, as proposed to be amended, will provide the proper means for regulating separately shipments of early varieties and late varieties so as to effectuate the declared purposes of the act. The early and late varieties of plums should be included in the same marketing agreement and order program which regulates the handling of fresh Bartlett pears, plums, and Elberta peaches, grown in the State of California, because the same growers, in many instances, produces several of these deciduous fruits; most of the handlers ship all of these deciduous fruits; and there are many problems common to all of such fruits. Shipments of both the early and late varieties of plums grown in the State of California are primarily interstate in character.

In addition, the seasonal average prices which may reasonably be expected to prevail in the future for both early and late varieties of plums will be at levels below their respective parity levels.

The provisions of section 1 of the marketing agreement and § 936.1 *Definitions* of the order, as proposed to be amended, are applicable to the early varieties and the late varieties of plums. The State of California should continue to be the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, because both early and late varieties of plums are produced in all of the principal plum producing areas—approximately 45 counties—throughout the State. Also, the districts established in the marketing agreement and order should remain the same with respect to early and late varieties since such districts identify the principal commercial deciduous fruit producing areas in the State.

The Plum Commodity Committee, established under the marketing agreement and order program, should continue as the commodity committee to recommend regulations to the Secretary, to submit budgets of expenses to the Control Committee, and to make such rules and regulations as may be necessary to effectuate the terms and provisions of the marketing agreement and order with respect to all varieties of California plums. Most producers have orchards in which plums of the early varieties and late varieties are grown, although the proportions of these varieties vary in the respective districts. This is because most varieties of plums are self-sterile; and therefore different varieties of plums must be grown in the same orchard to achieve proper pollination and maximum fruit production. The total tonnage of both early and late varieties of plums handled in each producing district should be the basis for determining the grower representation on the Plum Commodity Committee, and thence on the Control Committee. Furthermore, the competitive relationships in consuming markets of early varieties and late varieties should be taken into consideration in the recommendation of regulations for such varieties.

The Sales Managers' Committee, established under the marketing agreement and order program, should continue to attend the meetings of the Plum Commodity Committee when it considers regulation by grades and sizes and the establishment of minimum standards of quality and maturity for any variety of plums because the members of the Sales Managers' Committee are representatives of shippers who handle not only all varieties of plums but also the other California deciduous tree fruits covered by this program.

The regulation of shipments of early varieties and late varieties by grades or sizes, or both, will tend to effectuate the declared purposes of the act. Higher market prices consistently prevail for the better grades of plums. Furthermore, the market prices of plums of any variety show a unique and consistent correlation between size and price, with each larger size normally associated with a higher price, regardless of the quantities of the respective sizes sold. Marketing conditions affecting prices to producers of the early varieties and late varieties will tend to be improved through the limitation of shipments of the less preferred grades and sizes of the various varieties of plums. Sales of plums are made on a varietal basis; and, in the past, the regulation of shipments by grades and sizes has been by varieties. Under the program as proposed to be amended, the regulation of shipments should continue in the same manner. According to the hearing record, the 1948 seasonal average price for the early varieties was in excess of the parity level, while the reverse was true for the late varieties; and in future seasons the same or the converse may obtain. Under such circumstances, regulation by grades and sizes may be warranted only with respect to early

varieties or late varieties, as the case may be, and regulation on the basis of minimum standards may be made effective for the remaining varieties, during the same season.

The marketing agreement and order should authorize the establishment and maintenance in effect of such minimum standards of quality and maturity for early varieties and late varieties as will tend to effectuate such orderly marketing of the particular varieties of plums as will be in the public interest. Such action should be taken during any period when the seasonal average price exceeds the parity level for the early varieties or the late varieties, whichever is applicable. As in the case of regulation by grades and sizes, the minimum standards should, if appropriate, be established separately for each variety of plums.

The inspection and certification requirements of the marketing agreement and order should be coextensive in application with the changes resulting from the segregation of plums into early varieties and late varieties in order to achieve effective administration of the revised program. No changes in the provisions of the marketing agreement and order, other than those with respect to which the hearing was held, are required as a result of the segregation of plums into early varieties and late varieties.

(2) The scope of section 5 of the marketing agreement and § 936.5 of the order should be restricted to the regulation of daily shipments of Bartlett pears. These sections apply to both Bartlett pears and plums, and should be revised by deleting therefrom all references to the regulation of daily shipments of plums.

During recent seasons, the various varieties of plums have been harvested when possessing a greater degree of maturity than prior to the inception of the marketing agreement and order program. Improved handling techniques have been a decided factor resulting in an increased proportion of the fruit shipped being of such maturity. Due to this advanced maturity, and the concomitant greater perishability of the fruit, it is not deemed practicable to regulate daily shipments of plums. In fact, the regulation of daily shipments of plums, pursuant to the aforesaid sections, was never invoked.

(3) The marketing agreement and order should be amended to provide for the establishment, with respect to each fruit handled during a season, of a single rate of assessment as the respective shipper's pro rata share of the expenses incurred relative to such fruit in the administration of the program. The effect of this action will be to combine, for a particular fruit, the general overhead and the regulatory assessments provided for under the marketing agreement and order. This will allow greater flexibility in establishing realistic rates of assessment for the various fruits regulated.

The experience of the Control Committee in connection with the fiscal aspects of the marketing agreement and order program, during each season, indicates that it is not possible to segregate with precision the overhead from the regulatory expenses applicable to each of the respective fruits. For example, certain expenses, such as rent, salaries, telephone and telegraph, utilities, and some field expenses, are allocable in part to both overhead and regulatory expenses incurred in consideration of proposed regulations by all commodity committees established under the program. Such partial expenses, however, should be aggregated with all the regulatory expenses incurred in connection with each of the fruits separately in order to reflect the actual costs incident to the seasonal operation of the program on an individual fruit basis.

It is manifest, from the operations of the marketing agreement and order program, that the extent of regulation of each of the fruits covered thereunder is not, on a seasonal basis, the same. The evidence adduced at the hearing shows that an unequal degree of regulation as between the respective fruits during any season, and consequently an unbalanced allocation of the facilities of the Control Committee among such fruits, was the rule, rather than the exception. In fact, during some seasons, the handling of some of the fruits has not been regulated. In view of the foregoing, therefore, the value of the services which conceivably may result from general overhead expenses usually will not be commensurate with the volume of shipments of each fruit. The provision for a single rate of assessment for general overhead expenses, therefore, has proved through experience to have resulted at times in an unfair burden upon shipments of certain of the fruits.

Flexibility is afforded, under the present program, with respect to the establishment of the various rates of assessment for regulatory expenses incurred in connection with regulation of the different fruits, since the rates may be fixed on an individual basis for each such fruit. However, since the total pro rata share of expenses which each handler must bear consists of one component (i. e., the rate of assessment for general overhead expenses) which is fixed at the same rate for each fruit, and another component (i. e., the rate of assessment for regulatory expenses) which may vary as between fruits, maximum flexibility in the establishment of such total pro rata share is not achieved.

The Secretary should have the authority to increase, from time to time, any previously established rate of assessment for a particular fruit when necessary to secure adequate funds to cover any later finding by him that the anticipated income, derived from assessments to be paid with respect to such fruit, will not offset the actual expenses to be incurred by the Control Committee. Each such increase in the rate of assessment should be applicable to all assessable fruit handled during the particular season, since each handler's pro rata share of the expenses which the Secretary finds will be incurred for each fruit under the program should be the ratio between the total quantity of such fruit handled by such handler during a given season to the total quantity of such fruit handled by all handlers during the same season.

At the hearing, testimony was offered to the effect that the Secretary should be authorized to reduce any previously established rate of assessment under certain circumstances. For example, in the event changed crop or economic conditions brought about an unexpected increase in the total quantity of a particular fruit handled, the aggregate assessments derivable therefrom may exceed the amount of expenses estimated to be incurred in connection with such fruit. It was asserted, therefore, that the Secretary should be permitted to decrease the previously established rate of assessment. But, the marketing agreement and order provide that the Control Committee shall, at the end of each season, credit each contributing shipper with the excess of the amount paid by such shipper above his pro rata share of the expenses. Consequently, no added provision is needed to assure equitable participation by handlers in sharing the expenses of the program and any credits remaining at the close of the season.

(4) The marketing agreement and order program should be amended to provide for the issuance of exemption certificates when minimum standards of quality and maturity are in effect.

At the time of the hearing, there was already issued the decision (13 F. R. 4017, 4157) of the Acting Secretary of Agriculture, containing an order amending Order No. 36, as amended (7 CFR, Cum. Supp., Part 936); and such amendatory order was complete except for its effective date and the determinations to be made under § 900.14 of the amended rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR and Supps. Part 900). Some of the provisions of the amendatory order, which will become effective February 15, 1949 (13 F. R. 9488), authorize the establishment of such minimum standards of quality and maturity as will effectuate such orderly marketing of the fruits covered by this program as will be in the public interest. However, the provisions of the marketing agreement and order relating to the issuance of exemption certificates may not be utilized during periods when the regulation of shipments of fruit is on the basis of minimum standards of quality and maturity.

In view of the foregoing, one of the proposals considered at the hearing was with respect to making available to growers the exemption certificate provisions during periods when shipments of fruit would be limited to those meeting the minimum standards established therefor pursuant to the amendatory order, if it became effective. In this connection, the notice of hearing (13 F. R. 7356, 7417) set forth all of the provisions contained in the aforesaid amendatory order. For convenience, the term "amended marketing agreement and order" will be used herein to mean the marketing agreement and order as amended by such amendatory order.

Under the amended marketing agreement and order, a grower is entitled to an exemption certificate when, by reason of conditions beyond his control, he is prevented, because of a grade or size regulation in effect, from shipping a percentage of his crop of a particular fruit equal to a determined percentage of all

such fruit permitted to be shipped from his district. These exemption provisions are designed to afford relief to any grower from the imposition of undue inequities which, by reason of conditions beyond his control, may accrue from such regulations.

As provided in the amended marketing agreement and order, the various commodity committees are authorized to recommend the establishment of minimum standards of quality or maturity, or both, to govern the shipment of fruit, in terms of: (i) Minimum standards of maturity; (ii) freedom of fruit from material waste; (iii) freedom of fruit from material impairment of shipping quality; (iv) freedom of fruit from material impairment of edible quality; (v) freedom of fruit from serious damage to appearance; (vi) minimum size requirements; or (vii) any combination of the foregoing. Evidence adduced at the hearing shows that climatic conditions and excesses or shortages of water, which usually result from weather conditions, exert a material bearing upon the growth of the foregoing fruits. Bartlett pears, early varieties and late varieties of plums, and Elberta peaches are grown in producing areas where damage to the crops may occur as a result of adverse climatic conditions. This is especially true of hail damage which, at times, may be localized and affect the crop of an individual grower or the crops of a few growers in the producing area. Also, lack of adequate rainfall may adversely affect the growth of fruit in producing areas where such fruit is not grown under irrigation. It is possible for the crop of an individual grower to be so affected or damaged, by reason of such conditions, that little or none of such crop could be shipped under regulation by minimum standards of quality and maturity in the absence of exemption provisions. This situation may conclude the operations of such person as a producer. The relief, therefore, which would be afforded such producer by an exemption certificate assumes significant stature.

The aggregate seasonal shipments of a particular fruit under exemption certificates, when minimum standards would be in effect, should not result in any apparent decrement in the average quality, including the size, of all fruit shipped. In this connection, the 1948 season was shown to have been reasonably normal, as far as the quality and size of the fruit of the respective crops were concerned, and may be considered typical of a season during which minimum standards of quality and maturity may be established. During the 1948 season, 2,400 crates of plums covered by exemption certificates were shipped as compared with total shipments of almost 2,900,000 crates of plums under grade and size regulations. At the same time, less than 1,500 packages of Elberta peaches were shipped under exemption certificates as compared with total shipments of more than 3,800,000 packages of Elberta peaches under grade and size regulations. Similarly, the total quantity of fruit that may be permitted to be shipped under exemption certificates when minimum standards are effective would tend toward comparable insignificance; and the shipment of such exempted fruit would not impinge upon the orderly marketing of the crop of such fruit.

The basic principles governing the issuance of exemption certificates when minimum standards are in effect should be the same as those employed under the amended marketing agreement and order when grade or size regulations are in effect. An exemption certificate should, therefore, be issued to any grower who furnishes the requisite proof to the appropriate commodity committee concerning his eligibility for the exemption certificate. Similarly, as prescribed by the amended marketing agreement and order, when, because of a general crop failure or any other unusual condition within a particular district or districts, it is not feasible or would not be equitable to issue exemption certificates to growers on the basis of the determined percentage of fruit permitted to be shipped from the respective district, exemption certificates should be issued to growers on the basis of the average of all such percentages for all districts.

Conditions beyond the control of growers are in contrast to conditions resulting from the lack of observance of proper cultural and harvesting practices. Proper cultural care and adequate thinning are necessary to produce fruit meeting minimum standards of quality and maturity. The lack of observance of such practices by growers in the production or harvesting of their fruit should not be considered as a proper basis for the issuance of exemption certificates; and it would not be equitable to allow growers who do not properly cultivate or thin their crops to be permitted to ship, through the means of exemption certificates, as large a proportion of their crops as those growers who did engage in such cultural practices.

Each commodity committee should maintain adequate records of all applications submitted for exemption certificates and of all certificates issued, including the information used in determining in each instance the quantity of fruit to be so exempted, and a record of all shipments of exempted fruit. Such data should be submitted from time to time to the Secretary in order to assure proper administration of these exemption provisions.

(5) The marketing agreement and order should be amended to provide for a season beginning on March 1 of each year and ending on the last day of February of the following year. The purpose of this amendment is to advance the commencement of each season one month ahead of the beginning of the season as such term is now defined. This should be done because many of the actions by the Control Committee are subject to the requirements of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) and, therefore, may involve a substantial period of time prior to their becoming effective. Furthermore, this change will permit a more orderly functioning of the agency, established to administer the provisions of the marketing agreement and order program, by providing additional time, prior to the first shipments of the respective fruits, for the agency to prepare for a season's operations. Evidence shows that shipments of the fruits subject to regulation generally occur during a marketing period extending from May 10 to November 15, which is within the new definition of the term "season."

Conjunctionally with the foregoing, appropriate changes should be made in the provisions of the marketing agreement and order relating to:

(i) The respective terms of office of members selected to serve on the Control Committee and the commodity committees,

(ii) The dates prior to which nominations for membership on such committees are required to be submitted to the Secretary, and

(iii) The period to be considered for the purpose of conducting biennial referenda

so that the time specifications therein will continue to have the same relationship to the beginning of each season as is now the case.

(6) The provisions of the marketing agreement and order should be amended by deleting the references therein to confidential employees. Experience in administering the program has indicated that all employees of the Control Committee, because of their duties, handle information of a confidential nature concerning the operations of the respective shippers. The manager should receive all reports and other data required to be submitted by shippers. Also, the manager should take such precautions as may be necessary to assure that the employees of the committee do not disclose any of the confidential information contained in such reports and data except as provided in the marketing agreement and order, which set forth explicitly the manner in which such information is to be handled. The activities of the employees of the committee, as is consistent with good business practice, are under the direction of such agency; and the evidence of record reveals that there is no need for continuing the designation of "confidential employees" each season.

(7) Provision should be made for the modification, suspension, or termination by the Secretary of any or all regulations issued pursuant to the amended marketing agreement and order. This authority should be stated explicitly in order to indicate clearly the plenary power of the Secretary with respect to the regulatory activity. Such action by the Secretary should be authorized to be predicated not only on the basis of a commodity committee's recommendation but also on the basis of such other information as may be available to him. Provision should also be made whereby each commodity committee may recommend to the Secretary the modification, suspension, or termination of any or all regulations pursuant to the program; and such committees should forward to the Secretary, with each such recommendation, all pertinent information. The record shows that, especially in instances where sudden changes occur in growing or marketing conditions so as to warrant an immediate modification of an existing regulation, the committee should

promptly apprise the Secretary of its recommendation in that regard. Each modification relaxing a regulation in effect should be made effective promptly in order to permit fruit which meets the requirements of the modified regulation to be shipped as soon as practicable to consuming markets.

As used hereinafter the terms "marketing agreement" and "order" mean, respectively, the marketing agreement as amended and further amended effective February 15, 1949, and the order as amended and further amended effective February 15, 1949 (13 F. R. 9486).

General findings. (1) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, regulate the handling of Bartlett pears, early plums, late plums, and Elberta peaches grown in the State of California in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(4) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby.

It is hereby found and proclaimed that: (1) The purchasing power of early varieties of plums and late varieties of plums, respectively, grown in the State of California, cannot be satisfactorily determined from available statistics of the Department of Agriculture with respect to the period August 1909–July 1914; (2) the purchasing power of such fruit can be satisfactorily determined from available statistics of the Department of Agriculture with respect to the period January 1, 1920, to December 31, 1928, both dates inclusive; and (3) the period January 1, 1920, to December 31, 1928, both dates inclusive, is the base period for determining the purchasing power of such fruit.

Rulings on proposed findings and conclusions. A brief in support of (1) the proposal for the establishment, as separate commodities, of early varieties and late varieties of plums and (2) the proposal authorizing the issuance of exemption certificates when minimum standards of quality and maturity are in effect was submitted, within the prescribed time, on behalf of the Control Committee by Galen S. Geller, the Assistant Secretary of the Committee. The brief contains statements of fact, arguments, and proposed conclusions with respect to the evidence adduced at the hearing relating to the proposals. Each point included in the brief was considered carefully along with the evidence in the record in making the findings and arriving at the conclusions hereinbefore set forth. To the extent, if any, that the findings and conclusions contained herein are at variance with the proposed conclusions contained in such brief, such conclusions are overruled on the basis of the facts found and stated in this decision.

Recommended amendments to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Delete the provisions of section 1 (d) of the marketing agreement and § 936.1 (d) of the order and insert in lieu thereof, the following:

(d) "Fruit" means any one or more of the following types of deciduous fruit and designated varietal groupings of plums grown in the State of California and shipped in fresh form: (1) Bartlett pears; (2) Elberta peaches; (3) plums of the Beauty, Formosa, Santa Rosa, and Climax varieties; and (4) plums of all varieties other than those listed in (3) of this paragraph.

2. In section 1 (h) of the marketing agreement and § 936.1 (h) of the order delete the dates "April 1" and "March 31" and insert, in lieu thereof, "March 1" and "the last day of February," respectively.

3. Delete section 1 (j) of the marketing agreement and § 936.1 (j) of the order; redesignate sections 1 (k) and 1 (l) of the marketing agreement as section 1 (j) and section 1 (k), respectively; and redesignate § 936.1 (k) and § 936.1 (l) of the order as § 936.1 (j) and § 931.1 (k) respectively.

4. In the second sentence of section 2 (a) of the marketing agreement and § 936.2 (a) of the order delete the date "March 1" and insert, in lieu thereof, "February 1".

5. In the second sentence of section 2 (e) of the marketing agreement and § 936.2 (e) of the order delete the date "February 15" and insert, in lieu thereof, "January 15".

6. In section 2 (k) of the marketing agreement and § 936.2 (k) of the order delete the dates "March 15" and "April 1" and insert, in lieu thereof, "February 15" and "March 1", respectively.

7. Revise section 2 (s) (4) of the marketing agreement and § 936.2 (s) (4) of the order to read as follows:

(4) To employ a manager who shall, among other duties, act as the secretary of the Control Committee, all commodity committees, and the Sales Managers' Committee established pursuant hereto; to employ such other employees as it deems necessary; to determine the salary and duties of such manager and other employees; and to authorize, if the committee deems such to be necessary, the manager to employ temporarily, subject to such limitations and qualifications as may be specified by the committee, such persons as the manager deems necessary, and to determine the salaries of such persons, which salaries shall be reasonable and within the limitations of the budget and such other limitations as may be prescribed by the committee, and to define the respective duties of such persons;

8. Delete the following words which appear in the first sentence of section 4 (c) (2) of the marketing agreement and § 936.4 (c) (2) of the order: "In paragraph (a)".

9. Delete section 4 (e) of the marketing agreement and § 936.4 (e) of the order; redesignate section 6 of the marketing agreement to read "section 6a"; redesignate § 936.6 of the order to read "§ 936.6a"; and add the following as a new section 6 to the marketing agreement and a new § 936.6 to the order:

Modification, suspension, or termination. Whenever a commodity committee, established hereunder for a particular fruit, deems it advisable to modify, suspend, or terminate any or all of the regulations issued pursuant hereto for such fruit or any variety or varieties thereof, it shall so recommend to the Secretary. With each such recommendation submitted to the Secretary, the commodity committee shall forward the information upon which it acted in making such recommendation. If the Secretary finds, upon the basis of such recommendation and information or from other available information, that to modify such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation and information or upon the basis of other available information, that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify such commodity committee, and such committee shall promptly give adequate notice to handlers and growers, of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

10. Revise section 5 of the marketing agreement and § 936.5 of the order to read as follows:

Regulation of daily shipments—(a) *Definitions.* As used in this section, the following terms shall have the following meanings:

(1) "Railroad assembly point" means any railroad shipping point designated by the Bartlett Pear Commodity Committee.

(2) "Cold storage assembly point" means any cold-storage plant in the State of California.

(3) "Shipping point" means any point, in the State of California, from which fruit is shipped by railroad or truck.

(4) "Arrive" or "arrival" means (i) the actual time of arrival of a car of fruit at

a railroad assembly point, if such car is not pre-cooled at such assembly point, (ii) the actual time when pre-cooling is completed if the car of fruit is pre-cooled at railroad assembly point, or (iii) such time subsequent to the actual delivery of a car of fruit, or the equivalent thereof, at a cold storage assembly point as the commodity committee may prescribe by rules and regulations.

(5) "Cold storage" means retention of fruit under refrigeration in a storage warehouse for such period of time, at such place, and under such conditions as the commodity committee may prescribe by rules and regulations.

(6) "Available" means (i) when used with reference to the fruit of a shipper whose fruit is being regulated at assembly point, the quantity of fruit controlled by him arriving, on a particular day, at any or all assembly points such day, (ii) when used with reference to the fruit of a shipper whose fruit is being regulated at shipping point, the quantity of fruit which he controls packed by or for him for interstate shipment and foreign shipment on the Continent of North America on such particular day at such shipping point.

(7) "Total available" means the quantity of fruit available for shipment on a particular day by all shippers whose shipments are regulated at shipping points plus the quantity of fruit, arriving on such particular day at all assembly points, controlled by all shippers electing regulation at assembly points.

(8) "Fruit controlled" means fruit to which the shipper has legal title or fruit which the shipper has been authorized by the owner to ship.

(9) "Ship" and "market" are synonymous and mean to convey in, or handle for shipment in, to ship or cause to be conveyed or handled for shipment in, or in any other way to put fruit in, the channels of trade by conveying or causing fruit to be conveyed by railroad, truck, boat, or any other means whatsoever (except as a common carrier of fruit owned by another person), in the current of interstate or foreign commerce on the Continent of North America, or so as directly to burden, obstruct, or affect such commerce.

(10) "Shipper" and "handler" are synonymous and mean any person who ships, or is engaged in shipping, marketing, consigning, or dealing in fruit, either in person or as or through an agent, broker, representative, or otherwise, in the current of interstate or foreign commerce on the Continent of North America, or so as directly to burden, obstruct, or affect such commerce.

(11) "Fruit" means Bartlett pears grown in the State of California and shipped in fresh form.

(12) "Car of fruit" or "carload of fruit" means such quantity of fruit as may be specified in the rules and regulations adopted by the commodity committee.

(13) "Commodity committee" or "committee" means the Bartlett Pear Commodity Committee.

(b) *Recommendation of regulation.* The commodity committee may, during the effective time of a regulation established pursuant to § 936.4 (a) [1] hereof, recommend, from time to time, to the Secretary the establishment of a period of time during which the daily shipments of fruit will be regulated. Such recommendation shall specify the period of time for regulation and the advisable daily shipments of fruit during such period; and the Secretary shall be furnished with the information upon which each such recommendation is predicated.

(c) *Establishment of regulation.* If the Secretary shall find, upon the basis of such information and recommendation pursuant to the provisions of paragraph (b) of this section, or upon other information available to the Secretary, that the limitation of daily shipments, as provided in this section, during a regulation period will tend to effectuate the declared policy of the act, he shall establish a regulation period and determine the total advisable quantity of fruit to be shipped daily to all markets, outside of the State of California and on the Continent of North America, during such period; and the Secretary shall promptly notify the commodity committee of the establishment of the regulation period. The commodity committee shall give such notice of the establishment of the regulation period as may be reasonably calculated to bring such regulation to the attention of all interested persons. A shipper who has made no shipment from a particular shipping point during the particular season, and who elects regulation at shipping point as provided in this section, may apply to the committee for exemption from regulations pursuant to this paragraph of this section. The commodity committee shall, if it finds that the shipper who has made such application would otherwise be unable to begin operations at said shipping point, exempt such shipper from such regulation pursuant to this paragraph of this section for a period not to exceed seventy-two (72) consecutive hours following the packing of the first fruit by such shipper at such shipping point.

(d) *Election of type of regulation by shipper.* Each shipper desiring to ship fruit, during a regulation period, shall promptly elect whether such fruit shall be regulated at railroad assembly points, cold storage assembly points, or shipping point; and each shipper shall promptly advise the commodity committee with regard to the choice thus made by the respective shipper. The fruit of any shipper who fails to make such election shall be regulated at railroad assembly points and cold storage assembly points. Except as provided herein, any shipper electing regulation at assembly points, for fruit from any particular shipping point, shall not be eligible to elect regulation at any such shipping point until all of such fruit at assembly points has been released. Each shipper whose fruit is regulated at railroad assembly points shall file with the carrier an order directing it to stop each carload of the respective shipper's fruit at such assembly points until the release of such fruit has been ordered by the commodity committee.

[1] Section 4 (a) in the case of the marketing agreement.

(e) *Reports by shippers.* Each shipper whose fruit is regulated at cold storage assembly points shall report or authorize the cold storage companies to report to the commodity committee the time when each carload, or the equivalent quantity thereof, of such fruit controlled by him entered a cold storage assembly point. Each shipper shall furnish or authorize the cold storage companies to furnish to the commodity committee the time of entrance into cold storage of each carload, or the equivalent thereof, of such fruit controlled by him.

(f) *Allotment percentage.* The allotment percentage for fruit for a particular day, during a regulation period established pursuant to the provisions of this section, shall be the percentage obtained by dividing the total advisable quantity of such fruit to be shipped that day, determined by the Secretary pursuant to the provisions of paragraph (c) of this section, by the total available of such fruit on the second day prior to such particular day, as computed by the commodity committee pursuant to the provisions of this section. In no case shall the allotment percentage exceed one hundred (100) percent. The allotment percentage shall be calculated by the commodity committee: *Provided,* That in the event the allotment percentage for a particular day cannot be calculated, pursuant to the foregoing provisions of this paragraph, the allotment percentage on the first previous day on which an allotment percentage can be calculated, pursuant to the provisions of this paragraph, shall be used in calculating allotments for such particular day.

(g) *Determination of allotments at shipping point.* The allotment of fruit, for a particular day, for any shipper who has elected to have his shipments regulated at shipping point, shall be the result obtained by applying the allotment percentage for such day, calculated as provided in this section, to such shipper's component part of the available used in determining the allotment percentage. No shipper whose fruit is regulated at shipping point shall ship from shipping point fruit in excess of his allotments: *Provided, however,* That the shipment of less than one (1) carload in excess of a shipper's allotment shall not be a violation of the provisions hereof if such shipper advises the commodity committee, with regard to such overshipment, by not later than the end of the day following the day on which such overshipment was made. The quantity of fruit shipped in excess of the allotment, as permitted pursuant to the provisions of this paragraph, shall be offset by a reduction of an equal amount from the respective shipper's allotment for the next succeeding day on which such shipper ships, or, if such allotment is less than the overshipment, then such excess shipment shall be deducted from succeeding allotments until such excess shipment has been entirely offset. If any shipper ships less than his allotment for a particular day, such shipper may ship, only during the next day in which such shipper is entitled to an allotment, a quantity equal to such undershipment in addition to his allotment:

Provided, That such undershipment is promptly reported to the commodity committee. The committee shall determine, pursuant to the provisions hereof, each shipper's allotment, and advise each shipper relative to his allotment. Except as provided in this paragraph and in paragraph (c) of this section, and in § 936.7,[2] no shipper shall ship fruit in excess of his allotment. The commodity committee may, at such time and in such manner as it may prescribe in rules and regulations, require any shipper to account to it for the disposition of the quantity of fruit in excess of the respective shipper's allotment. Fruit shipped pursuant to allotments at shipping points shall not be detained at assembly points. Each day on which any shipper who has elected to have his shipments regulated at shipping point shall fail to pack for shipment and ship fruit under the terms of this paragraph shall, with respect to such shipper, be excluded from all calculations under this paragraph or under paragraph (f) of this section.

(h) *Shipments from assembly points.* The quantity of fruit which may be shipped, on any day during a regulation period, except the first two days thereof, from all assembly points by shippers who have not elected to have their fruit regulated at shipping points shall be the total advisable quantity to be shipped that day, determined by the Secretary pursuant to the provisions of paragraph (c) of this section, less (1) the quantity of fruit shipped pursuant to paragraph (g) of this section by shippers electing regulation at shipping points and arriving at railroad assembly points in time to depart that day, and (2) the quantity of fruit which was shipped by boat, to destinations on the Continent of North America, by all shippers on such prior day as the commodity committee may prescribe in rules and regulations approved by the Secretary: *Provided,* That if the quantity of fruit that is actually shipped on a particular day is in excess of or less than the quantity advisable for shipment on the respective day then, in such event, the quantity shipped on the following day shall be increased or decreased respectively by the amount of such excess shipment or undershipment: *Provided, further,* That the quantity of fruit which may be shipped on each of the first and second days of the initial regulation period, or any other regulation period which does not immediately follow a previous regulation period, from all assembly points by shippers who have not elected to have their fruit regulated at shipping points shall be that quantity which is the result of the application of the percentage, obtained by dividing the total quantity of fruit shipped by such shippers during the second day prior thereto by the quantity shipped by all shippers during such prior day, to the quantity advisable to be shipped on the first and second days, respectively, of the regulation period. The first carload of fruit arriving at any assembly point and subject to regulation thereat shall be the first carload released for shipment from all assembly points on any particular day, and succeeding carloads shall be released for shipment in the order of arrival until the total quantity for the particular day has been released. The maximum time that cars may be held in assembly points shall be prescribed by the commodity committee in rules and regulations approved by the Secretary: *Provided,* That no car shall be held at any assembly point longer than four (4) days whenever there are any cars being regulated at railroad assembly points: *Provided, further,* That fruit shipped pursuant to allotments at shipping points shall not be detained at assembly points. Whenever any shipper has one or more carloads of fruit at an assembly point or points which have priority of shipment at a given time, and such shipper also has other carloads which do not have priority, such shipper may substitute any carload without priority for any carload having such priority. The commodity committee shall, in accordance with the provisions hereof, release fruit, subject to regulation at assembly points, for shipment from assembly points; and fruit, subject to regulation at assembly points, shall not be shipped from any railroad assembly point or cold storage assembly point until it has been released by the commodity committee.

(i) *Adjustment for shipments by boat.* If a shipper whose fruit is regulated at assembly point ships by boat a quantity of fruit to a destination on the Continent of North America, the commodity committee shall, on such day or days prior to the expected arrival of the boat at its destination as may be specified in the rules and regulations adopted by the committee and approved by the Secretary, adjust the priority of time of release of carloads then in assembly points so that no carload of such shipper's fruit then in assembly points shall be shipped until a quantity of fruit entering assembly points subsequently to the aforesaid carload, equal to the quantity of fruit contained in said shipment by boat, has been permitted to be shipped.

(j) *Prohibition of loading.* The Secretary may, in order to effectuate the declared policy of the act, prohibit for a period of forty-eight (48) hours, upon the recommendation of the commodity committee supported by the specific information upon which such recommendation is based, or upon the basis of other information available to the Secretary, the loading of fruit for shipment to any or all railroad assembly points: *Provided,* That there shall elapse not less than ninety-six (96) hours between the last day of one prohibition period, established pursuant to the provisions of this section, and the first day of the next succeeding prohibition period. Any quantity of fruit loaded for shipment to any cold storage assembly point, during a prohibition period, shall not be eligible for release for shipment, except as provided in paragraph (k) of this section, during such time as said fruit is being regulated pursuant to the provisions of this section. No shipper who shipped fruit to any or all assembly points during the forty-eight (48) hours prior to the beginning of a prohibition period, established pursuant to the provisions of this paragraph, shall, for a period of forty-eight (48) hours, succeeding the termination of the respective prohibition period, load for shipment fruit to assembly points in excess of the quantity of such fruit loaded for shipment by the respective shipper during the period of forty-eight (48) hours immediately prior to the beginning of such prohibition period: *Provided,* That any shipper who has made no shipments from a particular district, during the particular season, before the beginning of a prohibition period, established pursuant to the provisions of this paragraph, may apply to the commodity committee for exemption from such restrictions applicable after the termination of such prohibition period, and, if said committee determines that said restrictions operate inequitably to said shipper in a particular district, said committee shall exempt such shipper from such restrictions, after a prohibition period, as are provided in this paragraph.

(k) *Shipment of storage fruit.* Fruit in cold storage shall not be shipped on any particular day during a regulation period, established pursuant to the provisions of this section, unless the quantity of fruit regulated at shipping points and arriving at railroad assembly points in time to depart during the particular day plus the quantity of the fruit eligible for release at assembly points during said particular day is less than the total advisable quantity of the fruit for shipment on said day. When the aforesaid conditions exist, such fruit may be released from cold storage for shipment, during a regulation period, in the same sequence as that in which such fruit has been placed in storage: *Provided,* That such releases for shipment from cold storage on any day shall be limited to the amount of the fruit advisable to be shipped, pursuant to the provisions of this section, less the quantity of the fruit regulated at shipping points and arriving at railroad assembly points in time to depart during the particular day and the quantity of the fruit eligible for release at assembly points on said particular day: *Provided, further,* That any quantity of fruit in cold storage may be substituted for the same quantity of fruit eligible to be shipped pursuant to regulation at shipping points or assembly points.

(l) *Revision and correction of reports.* The commodity committee may investigate and check the accuracy of any reports filed pursuant to the provisions of this section, and said committee may verify the same in such manner as it may determine; and, on the basis of the findings by said committee, it may revise and correct any such report. The commodity committee shall prescribe reasonable means whereby any grower or shipper, who may be dissatisfied with the action taken by said committee, may protest to that committee, or its representative, concerning the action taken by said committee; and in the event of such protest, the action taken by the committee shall be reconsidered and revised to any such extent as the committee may find to be proper. Thereafter, such person protesting, if dissatisfied, may appeal to the Secretary from the committee's final decision on said protest; and the Secretary's determination

[2] Section 7 in the case of the marketing agreement.

on such appeal shall be conclusive and final.

(m) *Exceptions.* Cars containing two hundred (200) standard packages (as specified in the Agricultural Code of California) or less, or the equivalent thereof in weight, of fruit covered by a regulation pursuant to the provisions of this section shall be exempt from such regulations: *Provided,* That, such exempted fruit shall be grown in the district from which it is shipped or shipped from a district in which no such fruit is being harvested during the period of such regulation.

11. Delete the first four sentences in section 8 (b) of the marketing agreement and § 936.8 (b) of the order and insert, in lieu thereof, the following: "Each shipper of a particular fruit shall, upon demand, pay to the Control Committee such shipper's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, during the current season with respect to such fruit. Each such shipper's share of such expenses shall be that proportion thereof which the total quantity of such fruit shipped by such shipper during said season is of the total quantity of the same fruit shipped by all shippers during the same season. The Secretary shall fix the rate of assessment which shippers of such fruit shall pay. The Secretary may, from time to time, increase such rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred during said season for such fruit; and such increase shall be applicable to all such fruit shipped during the season."

12. In the first sentence of section 9 (c) of the marketing agreement and § 936.9 (c) of the order delete the words "confidential employee or confidential employees" and insert, in lieu thereof, the word "manager."

13. Delete the last two sentences in section 9 (c) of the marketing agreement and § 936.9 (c) of the order and insert, in lieu thereof, the following: "Upon receipt of the foregoing by the manager of the Control Committee, he shall promptly have such information compiled; and a summary of such compiled information shall be made available promptly to all shippers and other interested parties. Each such summary, however, shall not reveal the identity of any informant. The manager and each person engaged in the preparation of any such compilation or summary, shall not disclose any information obtained pursuant to this paragraph except in the aforesaid summary: *Provided,* That the manager and each person engaged, as aforesaid, shall, if so directed by the Secretary, submit all of said information, including the original reports, to the Secretary or such other person or persons as the Secretary may direct."

14. In the last sentence of section 10 (b) (2) of the marketing agreement and § 936.10 (b) (2) of the order delete the dates "April 1" and "March 31" and insert, in lieu thereof, "March 1" and "the last day of February," respectively.

Filed at Washington, D. C., this 14th day of February 1949.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-1251; Filed, Feb. 16, 1949; 8:58 a. m.]

[7 CFR, Part 942]

[Docket No. AO-103 A-11]

HANDLING OF MILK IN NEW ORLEANS, LA., MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, 900.1 et seq.; 13 F. R. 8585), notice is hereby given of a public hearing to be held in Lenfant's Boulevard Room, 5236 Canal Boulevard, New Orleans, Louisiana, beginning at 10:00 a. m., c. s. t., February 23, 1949, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, milk marketing area (7 CFR, Supps. 942.0 et seq.; 13 F. R. 1079). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 42) for the New Orleans, Louisiana, milk marketing area were proposed, as follows:

By the Dairy Farmers Cooperative Association, Inc.:

1. Amend § 942.5 to provide that the Class I price for the six month period from March 1, 1949, through August 1949 shall be $5.56 per hundredweight.

By the Southeast Louisiana Dairy Farmers Union and the Florida Parishes Milk Producers Union:

2. Amend the present order provisions to provide fixed prices for milk for Class I use of 4.0% butterfat content at $7.00 per hundredweight for the months of September to February, inclusive, and $5.75 per hundredweight for the months of March to August, inclusive.

By the Dairy Farmers Cooperative Association, Inc.:

3. Amend § 942.5 (a) and § 942.5 (b) (1) (i) to provide for the determination of the Class I price as follows:

(a) Using the index of wholesale commodity prices in the United States as published by the Department of Labor for the latest month, revise the index to a 1925–29 base equal to 100.

(b) Using the index of department store sales in New Orleans as reported by the Federal Reserve Bank of Atlanta for the latest month, revise the index to a 1925–29 base equal to 100.

(c) Using the average retail prices of dairy rations in Louisiana and Mississippi as published by the United States Department of Agriculture for the latest month, compute an index with the 1925–29 base equal to 100.

(d) Using the latest farm wage rates reported by the United States Department of Agriculture for Louisiana and Mississippi, compute a weighted average with 75 percent for Louisiana and 25 percent for Mississippi and calculate the index of the average with a base of 1925–29 equal to 100.

(e) Add together the amounts determined in (a), (b), 0.6 times the amount determined in (c), and 0.4 times the amount determined in (d), divide the total by 3 and round off to the nearest whole number.

(f) Divide by 3 the sum of the three latest monthly determinations resulting from (e) above.

(g) Multiply the result obtained in (f) by $2.59, the resulting figure shall be the Class I price for the delivery periods of March and September.

(h) Multiply the result obtained in (f) by $2.59, to this result add 44 cents to determine the Class I price for the delivery periods of October through February.

(i) Multiply the result obtained in (f) by $2.59 and from this result deduct 44 cents per hundredweight to determine the Class I price for the delivery periods April through August.

(j) If in the preceding five-month period of October through February, inclusive, reports as published by the market administrator show an average of less than 10 percent of receipts of skim milk and butterfat from producers to have been used in Classes II and III, .22 cents per hundredweight shall be added to the Class I prices obtained in (g), (h), and (i) above.

(k) The Class I price for any of the months of April through August of each year shall not be higher than the Class I price for the immediately preceding month; and the Class I price for any of the months of October through February of each year shall not be lower than the Class I price for the immediately preceding month.

4. Amend § 942.7 to provide for the announcement of the price for Class I milk for each month on the 25th day of the preceding month.

By Brown's Velvet Dairy Products, Inc. and Brown's Velvet Ice Cream, Inc.:

5. Amend § 942.4 (b) to provide for the classification of milk used for ice cream as Class III milk in lieu of the present Class II milk classification.

6. Amend § 942.5 (c) to provide for a price of butterfat and milk solids in Class II milk competitive with the price being paid for milk for ice cream uses in other markets.

By Magee's Creamery:

7. Amend § 942.5 (c) and (d) to provide that the price for Class II milk shall be the same as the price for Class III milk.

By Borden Company:

8. Amend §§ 942.7 and 942.8 to provide for the payment of all producers or association of producers on a "market-wide pool" basis in lieu of the present "individual handler pool" method of payment.

By the Southeast Louisiana Dairy Farmers Union and the Florida Parishes Milk Producers Union:

9. Amend § 942.8 to provide for more prompt payment for milk sold to handlers in the New Orleans milkshed.

By the Dairy Branch, Production and Marketing Administration:

10. Make such other changes as may be required to make the entire marketing agreement and order, as amended, conform with any amendment thereto which may result from this hearing.

It has been represented that an emergency exists in the market with respect to the estbalishment of a price for Class I milk through August 1949. Accordingly, evidence will be received in connection with proposals 1 and 2 herein, prior to receipt of evidence on any other proposals, so that appropriate action may be taken promptly.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 1421 Carondelet Bldg., New Orleans, Louisiana, or from the Hearing Clerk, United States Department of Agriculture, Room 1344, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 11, 1949.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 49-1215; Filed, Feb. 16, 1949; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 545]

HOME WORKERS IN THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001), that the Administrator of the Wage and Hour Division, U. S. Department of Labor, proposes to amend the regulations contained in this part to read as hereinafter set forth. Prior to the final adoption of the regulations, as amended, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, U. S. Department of Labor, Washington 25, D. C., or to the Territorial Director, Wage and Hour Division, U. S. Department of Labor, P. O. Box 3906, Santurce 29, Puerto Rico, within thirty days from publication hereof in the FEDERAL REGISTER. Four copies of all written material should be submitted.

The regulations, as amended, are to be issued pursuant to the authority contained in sections 6 (a) (5) and 11 (c) of the Fair Labor Standards Act of 1938 (sec. 3 (f), 54 Stat. 616; sec. 11 (c), 52 Stat. 1066; 29 U. S. C. 206 (a) (5), 211 (c)).

Signed at Washington, D. C., this 9th day of February 1949.

WM. R. MCCOMB,
Administrator.

PART 545—HOME WORKERS IN THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

§ 545.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to home workers in the Needlework Industries in Puerto Rico as defined in Part 655 of this chapter.[1]

§ 545.2 *Definitions.* The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning: *Provided, however,* That the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the act.

(a) "Employer" includes any natural or artificial person who, for his own account or benefit, or on behalf of any person residing outside the Island of Puerto Rico, directly or indirectly, or through an employee, agent, subcontractor, or any other person:

(1) Delivers, or causes to be delivered, any goods to be processed or fabricated in a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods processed or fabricated in a home and then rebuys such goods after such processing or fabricating, either himself or through some other person.

(b) "Subcontractor" includes any person who, for the account or benefit of an employer, delivers, or causes to be delivered, to a home worker goods to be processed or fabricated in a home and thereafter to be returned in accordance with the direction of such employer.

(c) "Employ" includes to suffer or permit to work.

(d) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

(e) "Home worker" includes any employee performing in a home any operation on goods produced for commerce: *Provided,* That such work is not performed under either actively or personally regulated or supervised conditions.

(f) "Design" includes a combination of two or more stitches or operations so sewn as to form a pattern.

(g) "Operation" means any work or any process other than the distribution of goods to or collection of goods from home workers.

§ 545.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any home worker shall file with the Wage and Hour Division in Puerto Rico (a) a copy of each design, if any, and (b) a description in writing of each operation to be performed by any home worker, whether or not part of a design, together with the full piece rate schedule designation, if any,[2] the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which such designs are to be made and operations are to be performed.

§ 545.4 *Ticket to be affixed to each lot of goods.* Every employer shall make up the goods to be delivered to a subcontractor into a bundle or lot, each lot to comprise goods on which the same operations are to be performed. Every employer shall affix to each such lot of goods a ticket which shall be numbered serially and contain the name of such employer. The serial numbers of such tickets shall run from the number one and be prefixed by the number of the permit issued to such employer by the Department of Labor of Puerto Rico.[3] The subcontractor shall return the ticket with the lot to the employer. All goods specified on the ticket shall be returned to the employer at one time except when special permission is obtained from the Wage and Hour Division for subcontractors to return part of the goods. In each such case, a partial delivery ticket shall be made out and later filed with the original lot ticket when the remaining goods specified thereon are returned.

§ 545.5 *Delivery and collection of goods.* All goods for production in a home shall be personally distributed to and collected from the home worker who is to work on the goods, either directly at the factory or by employees expressly employed by an employer or subcontractor to distribute and collect such goods outside the factory.

§ 545.6 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay immediately the home worker or subcontractor, as the case may be, for such work: *Provided,* That in cases where payment is made to a subcontractor, the home worker shall be paid within seven days after such subcontractor has collected the goods from such home worker. Payment shall be made to each home worker at rates not less than those required under §§ 545.10 and 545.11, and in accordance with the requirements of sections 6 and 7 of the act.

§ 545.7 *Records to be kept.* (a) Every employer shall make and have available at his principal Puerto Rican office, a record of the following information:[4]

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[1] Persons engaged in activities relating to home workers in other industries in Puerto Rico are subject to Part 681 of this chapter.

[2] See § 545.14 for the schedule of piece rates prescribed in accordance with § 545.10. As an example of how to state the piece rate schedule designation, if "plain scallops" were to be made on articles in the "Infants' Wear Division," the full piece rate schedule designation would be "Operation 74, Col. 3."

[3] Thus, if the permit number is 56, the serial numbers on the ticket would run, 56-1, 56-2, etc.

[4] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

No particular order or form of records is prescribed by the regulations contained in this part. The employer may keep his own record system, so long as he keeps all the required information available in understandable form.

The records must be kept in the employer's principal Puerto Rican office. Where it is not possible for a record of one or more of the items to be made in the first instance

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods upon which home work is to be performed were received.

(2) The dates of receipt and shipment of goods received from or shipped to any point outside the Island of Puerto Rico with a description of the goods received or shipped and with a description of the operations performed on the goods shipped.

(3) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to home workers, together with the number of the permit issued to such subcontractor by the Department of Labor of Puerto Rico.

(4) The dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(5) The ticket number of the ticket affixed to each lot of goods.

(6) The dates upon which the goods in each lot were delivered to and collected from each home worker.

(7) The name and address of each home worker, and the date of birth of each home worker under 19, to whom the goods in each lot were delivered.

(8) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid each home worker for the operations performed upon such goods.

(9) The date or dates upon which each home worker was paid for operations performed on the goods in each lot.

(b) At the time work is given out to or received from a home worker, as the case may be, every employer [5] shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each home worker) which shall be kept by the home worker:

(1) The dates upon which the goods in each lot were delivered to and collected from the home worker.

(2) The style number, if any, description of, and amount of goods in each lot, the operations to be performed thereon, together with the piece rate to be paid and the net amount actually paid the home worker for the operations performed upon such goods.

(3) The date or dates upon which the home worker was paid for operations performed on the goods in each lot.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any home worker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such home worker a record of the following information:

(1) The hours worked by the home worker on the goods in each lot of work returned.

(2) The total hours worked each week.

(3) The wages paid the home worker each week at regular price rates.

(4) The extra amount paid to the home worker for hours worked in excess of 40 in each week.

§ 545.8 *Maintenance of records.* Every employer shall keep and preserve for a period of not less than three years at his place of business the records required above. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 545.9 *Reporting names of subcontractors, agents, or other home work distributors.* Every employer shall report to the office of the Wage and Hour Division, U. S. Department of Labor, Mayaguez, Puerto Rico, (1) the names and addresses of all persons employed as subcontractors, as that term is defined in this part, or as agents or supervisors in charge of any branch office, and (2) the permit numbers issued to such persons by the Department of Labor of Puerto Rico.

§ 545.10 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (5) of the act, each home worker shall be paid, in lieu of the applicable hourly rate established by the wage order for the Needlework Industries, not less than the piece rates prescribed in § 545.14 for the operations described therein.

§ 545.11 *Piece rates adopted by employers.* Pursuant to the provisions of section 6 (a) (5) of the act, in the event that a home worker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order.[6] No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 545.12 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 545.13 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

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at the employer's principal office, at the employer's direction the record of such items may be made away from that office by a subcontractor, agent, employee, or other person acting in behalf of the employer. In such event, however, the records shall be delivered to the principal Puerto Rican office of the employer as soon as possible after the making of such entries, and shall thereafter be preserved there and shall there be available for inspection.

[5] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in behalf of the employer.

[6] See Parts 655 and 680 of this chapter for the minimum hourly wage rates currently applicable for the various divisions and Classifications of the Needlework Industries in Puerto Rico. The minimum hourly rates currently applicable to the manufacture of hand-hooked rugs are provided in the wage order for the Hooked Rug Industry in Puerto Rico (Part 684 of this chapter). Home workers in the Hooked Rug Industry are governed by Part 681 of this chapter.

§ 545.14 *Piece rates established in accordance with § 545.10.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR, INFANTS' WEAR, SILK AND RAYON (EXCEPT INFANTS') UNDERWEAR, AND WEARING APPAREL DIVISIONS OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

No.	Operation	Piece rate (cents) based on hourly rates of—						Unit of payment
		15 cents—Cotton underwear and infants' underwear division		15 cents—Infants' wear division	18 cents—Silk and rayon (except infants') underwear division	24 cents—Wearing apparel division		
		Infants' silk and rayon underwear	Cotton underwear			Women's blouses and dresses	Children's wear	
		(1)	(2)	(3)	(4)	(5)	(6)	
	Hand-sewing operations[1]	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	
1	Arenilla (seed stitch), close, ½" squares	18.00	16.20	18.00	21.60	28.80	28.80	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares	9.00	8.10	9.00	10.80	14.40	14.40	Do.
3	Arrows, filled in, ¼"	4.50	4.05	4.50	5.40	7.20	7.20	Per dozen.
4	Back stitch on yokes, armholes, etc	10.00	9.00	10.00	12.00	16.00	16.00	Per yard.
5	Basting bias with cord	4.95	4.46	4.95	5.94	7.92	7.92	Do.
6	Basting darts before sewing	5.22	4.70	5.22	6.26	8.35	8.35	Do.
7	Basting for fagoting	1.36	1.22	1.36	1.63	2.17	2.17	Do.
8	Basting hems, 1" to 6" wide	3.00	2.70	3.00	3.60	4.80	4.80	Do.
9	Basting lace	2.59	2.33	2.59	3.11	4.15	4.15	Do.
10	Basting waist lines, plackets and facings, 2 to 3 stitches per inch	1.88	1.69	1.88	2.25	3.00	3.00	Do.
11	Bias piping, joined, double	6.00	5.40	6.00	7.20	9.60	9.60	Do.
12	Bias piping, joined, single	7.50	6.75	7.50	9.00	12.00	12.00	Do.
13	Bias piping, second seam, joined, double, set flat on garment with running stitch.	9.03	8.13	9.03	10.84	14.46	14.46	Do.
14	Blanket stitch, folding included, 18 stitches per inch	17.00	15.30	17.00	20.40	27.20	27.20	Do.
15	Buttons, sewed on with double thread, 2 to 3 stitches	1.96	1.76	1.96	2.35	3.13	3.13	Per dozen.
16	Buttonholes, stamped, 3/8" long	6.47	5.82	6.47	7.76	10.34	10.34	Do.
17	Buttonholes, stamped, ½" long	8.60	7.74	8.60	10.32	13.77	13.77	Do.
18	Buttonhole stitch, close	13.50	12.15	13.50	16.20	21.60	21.60	Per yard.
19	Buttonhole stitch for joining seams	13.50	12.15	13.50	16.20	21.60	21.60	Do.
20	Cord, twisted, over basting	1.50	1.35	1.50	1.80	2.40	2.40	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch	2.05	1.85	2.05	2.46	3.29	3.29	Per yard.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operations.	.84	.76	.84	1.01	1.35	1.35	Do.
23	Dots, baby, not finished off, 2 to 3 stitches	1.25	1.13	1.25	1.50	2.00	2.00	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches	1.98	1.79	1.98	2.38	3.17	3.17	Do.
25	Eyelets, up to 1/8" diameter	3.35	3.01	3.35	4.01	5.35	5.35	Do.
26	Eyelets, 3/16" diameter	6.00	5.40	6.00	7.20	9.60	9.60	Do.
27	Fagoting, straight lines	20.89	18.80	20.89	25.07	33.43	33.43	Per yard.
28	Fagoting, twisted lines	10.00	9.00	10.00	12.00	16.00	16.00	Do.
29	Feather stitch, 12 stitches per inch	10.00	9.00	10.00	12.00	16.00	16.00	Do.
30	Feather stitch cord	5.27	4.74	5.27	6.32	8.42	8.42	Do.
31	Flat fell seams, first seam by machine	5.86	5.27	5.86	7.03	9.37	9.37	Do.
32	Flat roll	4.55	4.09	4.55	5.46	7.27	7.27	Do.
33	French knots, not finished off	.63	.56	.63	.75	1.00	1.00	Per dozen.
34	French seams, over 12 stitches per inch	6.75	3.38	3.75	4.50	6.00	6.00	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch	2.47	2.22	2.47	2.96	3.96	3.96	Do.
36	Furunecos, with tape	25.00	22.50	25.00	30.00	36.00	36.00	Do.
37	Furunecos, without tape	18.00	16.20	18.00	21.60	28.80	28.80	Do.
38	Guariquenas	1.50	1.35	1.50	1.80	2.40	2.40	Per dozen.
39	Half roll	4.92	4.43	4.92	5.90	7.87	7.87	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch	2.62	2.36	2.62	3.15	4.20	4.20	Do.
41	Hemming stitch for felling cuffs, collars, plackets and waist bands, 8 to 10 stitches per inch.	6.71	6.04	6.71	8.05	10.74	10.74	Do.
42	Hemstitching, double, (tru-tru), 4 threads in a bundle, thread drawing not included.	18.60	16.74	18.60	22.32	29.76	29.76	Do.
43	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	9.77	8.80	9.77	11.72	15.62	15.62	Do.
44	Lace, joined with whipping stitch	15.63	14.06	15.63	18.75	25.00	25.00	Do.
45	Lace, sewed on with hemming stitch or round roll	7.50	6.75	7.50	9.00	12.00	12.00	Do.
46	Leaves, open, ¼" long	6.00	5.40	6.00	7.20	9.60	9.60	Per dozen.
47	Leaves, open, 3/8" to ½" long	9.00	8.10	9.00	10.80	14.40	14.40	Do.
48	Leaves, simple	.56	.51	.56	.68	.90	.90	Do.
49	Leaves, solid, not finished off, ⅛" long	1.64	1.48	1.64	1.97	2.63	2.63	Do.
50	Leaves, solid, not finished off, ¼" long	2.00	1.80	2.00	2.40	3.20	3.20	Do.
51	Leaves, solid, not finished off, 3/8" to ½" long	3.00	2.70	3.00	3.60	4.80	4.80	Do.
52	Leaves, solid, finished off, 3/8" to ¾" long	6.00	5.40	6.00	7.20	9.60	9.60	Do.
53	Loops, knitted, ¼"	1.88	1.69	1.88	2.25	3.00	3.00	Do.
54	Loops, knitted, 1" to 1½"	3.16	2.84	3.16	3.79	5.05	5.05	Do.
55	Loops, made with buttonhole stitch, ¼"	4.50	4.05	4.50	5.40	7.20	7.20	Do.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam with hemming stitch.	17.93	16.14	17.93	21.51	28.68	28.68	Per yard.
57	Overcasting seams	3.19	2.87	3.19	3.83	5.11	5.11	Do.
58	Pasadas, short, 1" to 8"		1.40					Per dozen pasadas.
59	Patches, sewed on with single point de turc	29.88	26.89	29.88	35.86	47.81	47.81	Per yard.
60	Pin stitch, thread drawing not included, 1" squares	36.00	32.40	36.00	43.20	57.60	57.60	Per dozen squares.
61	Point de turc, double, with embroidery thread	14.93	13.44	14.93	17.92	23.88	23.88	Per yard.
62	Point de turc, plain, with embroidery thread	8.75	7.87	8.75	10.50	14.00	14.00	Do.
63	Randa, bundles twisted but not tied, thread drawing not included	3.75	3.38	3.75	4.50	6.00	6.00	Do.
64	Randa, Don Gonzales, thread drawing not included	15.74	14.17	15.74	18.89	25.20	25.20	Do.
65	Randa, Mexican, tied at center only, thread drawing not included	4.50	4.05	4.50	5.40	7.20	7.20	Do.
66	Ribbons, setting ends of	2.05	1.85	2.05	2.46	3.29	3.29	Per dozen.
67	Rolling armholes and reboques	7.67	6.90	7.67	9.20	12.26	12.26	Per yard.
68	Rosebuds, worm stitch, 4 worms, 1 or 2 colors or tones	4.45	4.01	4.45	5.34	7.13	7.13	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch	3.75	3.38	3.75	4.50	6.00	6.00	Per yard.
70	Running stitch for felling, very close stitch	3.75	3.38	3.75	4.50	6.00	6.00	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch	4.03	3.62	4.03	4.84	6.46	6.46	Do.
72	Running stitch on lace	3.98	3.58	3.98	4.78	6.37	6.37	Do.
73	Running stitch for plain sewing	2.71	2.44	2.71	3.25	4.34	4.34	Do.
74	Scallops, plain, cutting included	15.10	13.58	15.10	18.12	24.16	24.16	Do.
75	Shadow stitch, up to 3/8" wide	29.00	26.10	29.00	34.80	46.40	46.40	Do.
76	Shell stitch, 4 to 5 stitches per inch	5.15	4.63	5.15	6.18	8.23	8.23	Do.
77	Shirring, material to be measured before shirring	3.02	2.72	3.02	3.62	4.83	4.83	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	3.63	3.27	3.63	4.36	5.81	5.81	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	6.52	5.87	6.52	7.83	10.44	10.44	Do.
80	Shoulder straps, set with buttonhole stitch, 14½" x ¼", measured after turning, sewing up to 5/8" at each end of strap.	17.73	15.95		21.27			Per dozen straps.

[1] For description of operations included under "hand-sewing", see definition in applicable section of wage order.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR, INFANTS' WEAR, SILK AND RAYON (EXCEPT INFANTS') UNDERWEAR, AND WEARING APPAREL DIVISIONS OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rates of—						Unit of payment
		15 cents—Cotton underwear and infants' underwear division		15 cents—Infants' wear division	18 cents—Silk and rayon (except infants') underwear division	24 cents—Wearing apparel division		
		Infants' silk and rayon underwear	Cotton underwear			Women's blouses and dresses	Children's wear	
		(1)	(2)	(3)	(4)	(5)	(6)	
	Hand-sewing operations[1]—Continued	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	
81	Size tickets set with hemming stitch, cutting tickets included	3.00	2.70	3.00	3.60	4.80	4.80	Per dozen inches.
82	Smocking	.12	.11	.12	.15	.20	6.20	Per dozen stitches.
83	Snaps, sewing on, both sides	3.00	2.70	3.00	3.60	4.80	4.80	Per dozen.
84	Solid cord stitch on gores and embroidery	14.10	12.70	14.10	16.92	22.56	22.56	Per yard.
85	Solid cord stitch to sew on lace	12.76	11.47	12.76	15.30	20.40	20.40	Do.
86	Spiders, 4 legs	3.00	2.70	3.00	3.60	4.80	4.80	Per dozen.
87	Spiders, 8 legs	5.87	5.28	5.87	7.04	9.38	9.38	Do.
88	Tacks, set for fagoting	1.50	1.35	1.50	1.80	2.40	2.40	Do.
89	Tucks, stamped, 1/16" to 1/4" wide, up to 6" long	4.69	4.22	4.69	5.63	7.51	7.51	Do.
90	Tucks, pin, stamped, up to 7" long	4.94	4.45	4.94	5.93	7.91	7.91	Do.
91	Tucks, pin, unstamped, up to 6" long	6.00	5.40	6.00	7.20	9.60	9.60	Do.
	Non-hand-sewing operations							
93	Cutting material under lace, or at seams, straight outline, following machine operations.	1.35	1.35	1.35	1.51	1.35	1.35	Per yard.
94	Turning belts, machine sewn, 29" x 1/2", measured after turning	5.58	5.58	5.58	6.28	5.58	5.58	Per dozen belts.
95	Turning belts, machine sewn, 60" x 1/2", measured after turning	7.09	7.09	7.09	7.98	7.09	7.09	Do.
96	Turning shoulder pads, 5 3/4" long, with an unsewed slit of 1" for turning.	3.62	3.62	3.62	4.07	3.62	3.62	Per dozen pads.
97	Turning shoulder straps, 14 1/2" x 1/4", measured after turning	11.12	11.12	----------	12.51	----------	----------	Per dozen straps.

[1] For description of operations included under "hand-sewing", see definition in applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND HOUSEHOLD ART LINEN DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO[1]

No.	Operation	Piece rate (cents) based on hourly rate of 15 cents		Unit of payment
		Handkerchiefs	Art linens	
99	Arenillas (seed stitch), close, 1/2" squares	18.00	18.00	Per dozen squares.
100	Arenillas (seed stitch), scattered, 1/2" squares.	9.00	9.00	Do.
101	Arrows, filled in, 1/4" long	4.50	4.50	Per dozen.
102	Basting lace	.86	.86	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch.	----------	.75	Do.
104	Blind hemstitch	3.00	3.00	Do.
105	Buttonhole stitch, 16 stitches per inch	3.00	3.00	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch.	4.50	4.50	Do.
107	Chain stitch, 4 stitches per inch	----------	.75	Do.
108	Chain stitch, 8 stitches per inch	----------	1.50	Do.
109	Cord, solid, on stem	4.70	4.70	Do.
110	Cord, twisted, over basting	1.50	1.50	Do.
111	Cord or embroidery, solid, without filling, up to 1/8" thick.[2]	----------	4.50	Do.
112	Couching or flat cord, 4 stitches per inch	----------	.75	Do.
113	Cross stitch, 6 crosses per inch	----------	3.20	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch.	----------	6.00	Do.
115	Diamonds, filled in, 1/4" to 3/8" wide	4.50	4.50	Per dozen.
116	Dots, baby, not finished off, 2 to 3 stitches.	1.25	1.25	Do.
117	Dots, large, not filled in, finished off, 12 stitches.	2.25	2.25	Do.
118	Dots, large, filled in, finished off, over 12 stitches.	----------	4.50	Do.
119	Dots, large, not filled in, finished off, over 12 stitches.	----------	3.00	Do.
120	Dots, medium, not filled in, finished off, 8 to 9 stitches.	1.98	1.98	Do.
121	Embroidery, solid, 3/16" to 3/4" thick, average 28 stitches per inch.[2]	----------	6.00	Per dozen inches
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	----------	6.00	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	----------	4.50	Do.
124	Eyelets, 1/8" diameter	3.35	3.35	Per dozen.
125	Feather stitch, 12 stitches per inch	3.33	3.33	Per dozen inches.
126	Feather stitch cord	----------	1.76	Do.
127	Flat hems without pasada	----------	1.56	Do.
128	French knots, not finished off	.63	.63	Per dozen.
129	Guariquenas	1.50	1.50	Do.
130	Hand or French rolling, 10 stitches or less per inch.	4.24	----------	Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch.	5.09	----------	Do.
132	Hand-rolling one side of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than 1/4 of an inch nor more than 1 inch; and (b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1 inch.	10.00	----------	Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than 1/4 of an inch nor more than 1 inch; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 1 inch on either side of any corner.	20.00	----------	Do.
134	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than 1/4 of an inch nor more than 1 inch; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 2 inches on any corner.	25.00	----------	Do.
135	Hemstitching, double (tru-tru), 4 threads in a bundle, thread drawing not included.	6.20	6.20	Per dozen inches.
136	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	3.26	3.26	Do.
137	Initials, simple, with hoops	15.00	----------	Do.
138	Initials, simple, without hoops	9.30	----------	Do.
139	Lace, joined at corners with hemming stitch.	4.50	----------	Do.
140	Leaves, simple	.56	.56	Per dozen.
141	Leaves, solid, not finished off, 1/4" long	2.00	2.00	

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage order.

[2] These piece rates have been set on the basis of O. N. T. thread No. 5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used, which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 5.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND HOUSEHOLD ART LINEN DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO [1]—Continued

No.	Operation	Piece rate (cents) based on hourly rate of 15 cents		Unit of payment
		Handkerchiefs	Art linens	
142	Leaves, solid, not finished off, 3/8" to 1/2" long.	3.00	3.00	Per dozen.
143	Leaves, solid, not finished off, 5/8" to 3/4" long.	6.00	6.00	Do.
144	Loops, made with worm stitch, 1/4"		[2] 1.00	Do.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1,600 count, inclusive.	3.00		Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1,700 count and over.	4.20		Do.
147	Pasadas, 15" x 15", linen up to 1,600 count, inclusive.	5.10		Do.
148	Pasadas, 15" x 15", linen 1,700 count and over.	6.30		Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1,400 count, inclusive.	7.20		Do.
150	Pasadas, short, 1" to 7", linen up to 1,600 count, inclusive.	1.56	[4]	Do.
	Pasadas, short:			
151	Cambric, 1" to 10"		3.00	Do.
152	Crash, 1" to 10"		2.25	Do.
153	Cambric, 10 1/2" to 18"		6.00	Do.
154	Crash, 10 1/2" to 18"		4.50	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included.		3.28	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	5.72	5.72	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included.		2.69	Do.
158	Pin stitch, thread drawing not included, 1" squares.	36.00	36.00	Per dozen squares.
159	Randa, Don Diego, thread drawing not included.	6.75	6.75	Per dozen inches.
160	Randa, Mexican, tied at center only, thread drawing not included.	1.50	1.50	Do.
161	Randa, simple, not stitched at either side, thread drawing not included.	1.13	1.13	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones.	4.45	4.45	Per dozen.
163	Scallops, plain, cutting included	5.03	5.03	Per dozen inches.
164	Shadow stitch, up to 5/8" wide	9.67	9.67	Do.
165	Spiders, 4 legs	3.00	3.00	Per dozen.
166	Spiders, 8 legs	5.87	5.87	Do.
	Thread drawing:			
	Art linens:			
	First thread, short, cambric:			
167	Stamped, 1" to 10"		1.20	Per dozen threads.
168	Not stamped, 1" to 10"		1.50	Do.
169	After first thread		[5]	
	Ladies handkerchiefs:			
170	First thread around edge, cotton or linen, up to 1,600 count, inclusive.	1.50		Do.
171	First thread, inside, cotton or linen, up to 1,600 count, inclusive.	1.88		Do.
172	After first thread (for example, for hemstitching).	[6]		
	Men's handkerchiefs:			
173	First thread around edge, linen up to 1,500 count, inclusive, 16" x 16" to 20" x 20".	2.25		Do.
174	First thread around edge, linen 1,600 count and over, 16" x 16" to 20" x 20".	2.63		Do.
175	First thread, inside, linen up to 1,500 count, inclusive, 16" x 16" to 20" x 20".	2.63		Do.
176	First thread, inside, linen 1,600 count and over, 16" x 16" to 20" x 20".	3.00		Do.
177	After first thread (for example, for hemstitching).	[6]		

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage order.
[2] Proportionate rate for other lengths.
[4] For each additional count of 100, add 0.60 cents.
[5] 20 percent of rate for first thread.
[6] 15 percent of rate for first thread.

No.	Operation	Piece rate (dollars) based on hourly rate of 15 cents														Unit of payment
		Doilies			Napkins			Scarfs			Squares			Table cloths			
		8" x 16"	10" x 14"	12" x 18"	12" x 12"	15" x 15"	18" x 18"	17" x 36"	17" x 45"	17" x 54"	36" x 36"	45" x 45"	54" x 54"	54" x 72"	72" x 72"	72" x 90"	
179	Half roll, cambric and crash, at 1.64 cents per dozen inches.	$0.79	$0.79	$0.98	$0.79	$0.98	$1.18	$1.74	$2.03	$2.33	$2.36	$2.95	$3.54	$4.13	$4.72	$5.32	Per dozen.
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.06 cents per dozen inches.	.51	.51	.64	.51	.64	.76	1.12	1.31	1.51	1.53	1.91	2.29	2.67	3.05	3.43	Do.
	Hemming stitch over pasada, measuring all around edge:																
181	Cambric at 1.00 cent per dozen inches	.48	.48	.60	.48	.60	.72	1.06	1.24	1.42	1.44	1.80	2.16	2.52	2.88	3.24	Do.
182	Crash, at 0.9375 cents per dozen inches	.45	.45	.56	.45	.56	.68	.99	1.16	1.33	1.35	1.69	2.03	2.36	2.70	3.04	Do.
	Second seams, for separate borders, measuring all around edge:																
183	Cambric, at 1.00 cents per dozen inches	.48	.48	.60	.48	.60	.72	1.06	1.24	1.42	1.44	1.80	2.16	2.52	2.88	3.24	Do.
184	Crash, at 0.9375 cent per dozen inches	.45	.45	.56	.45	.56	.68	.99	1.16	1.33	1.35	1.69	2.03	2.36	2.70	3.04	Do.
	Second seams, for separate borders, with French corners, measuring all around edge:																
185	Cambric, at 1.125 cents per dozen inches	.54	.54	.68	.54	.68	.81	1.19	1.40	1.60	1.62	2.03	2.43	2.84	3.24	3.65	Do.
186	Crash, at 1.00 cent per dozen inches	.48	.48	.60	.48	.60	.72	1.06	1.24	1.42	1.44	1.80	2.16	2.52	2.88	3.24	Do.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE WOVEN OR KNITTED FABRIC GLOVE AND LEATHER GLOVE DIVISIONS OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO [1]

No.	Operation	Piece rate (cents) based on hourly rates of—			Unit of payment
		18 cents—Ladies' woven or knitted fabric gloves [2]	22 cents—Leather gloves [2]		
			Ladies'	Men's	
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitched with tape, 1 button per glove.			33.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, 1 buttonhole per glove.			44.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.234			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch.		0.302		Do.
192	Feather stitch, 5 to 6 stitches per inch.	.282	.379		Do.
193	Large stitch (husky), 5 to 6 stitches per inch.			.271	Do.
194	Regular stitch, 5 to 6 stitches per inch.	0.185	0.284	0.271	Per inch.
195	Slip stitch, hem only, 5 to 6 stitches per inch.	.119	.194	.194	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch.[3]		.194	.194	Do.
197	Swagger stitch, 5 to 6 stitches per inch.	.185	.284	.271	Do.
198	Whip stitch, 5 to 6 stitches per inch	.185	.284	.271	Do.

[1] The piece rates apply only to "hand-sewing" operations. For description of operation included under "hand-sewing", see definition in applicable section of wage order.
[2] The hourly minimum rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.11.
[3] When facing has been sewn on by machine.

SCHEDULE D—PIECE RATE SCHEDULE FOR THE NEEDLEPOINT DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO [1]

GROSPOINT

No.	Operation	Piece rate based on hourly rate of 15 cents	Unit of payment
		Cents	
200	Compact florals, figures and landscapes	15.60	Per 1,000 stitches.
201	Scattered florals	16.80	Do.
202	Scattered florals consisting of borders or garlands only	18.00	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design	16.80	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design	18.00	Do.
205	One and two-tenths cents (1.2¢) must be added to the above piece rates to cover thumb-tack mounting on frame, for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with § 545.11.		
	Exceptions		
	These piece rates do not apply to the following types of needlepoint. For these, and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with § 545.11. 1. Florals having more than 10,000 stitches. 2. Florals having more than 36 color tones. 3. Figures and landscapes having more than 3,000 stitches. 4. Figures and landscapes having more than 25 color tones. 5. Petit point. 6. Stamped grospoint.		
	Definitions		
	1. A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas. 2. A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.		

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage order.

SCHEDULE E—PIECE RATE SCHEDULE FOR THE MISCELLANEOUS HANDWORK DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO [1]

No.	Operation	Piece rate based on hourly rate of 15 cents	Unit of payment
	Crocheting shade pulls, not over 30 stitches per ring:	*Cents*	
207	Cotton thread	48.00	Per gross.
208	Rayon thread	49.00	Do.

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage order.

[F. R. Doc. 49-1265; Filed, Feb. 16, 1949; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1949 Dept. Circular 843]

1¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C–1950

OFFERING OF CERTIFICATES

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 1¼ percent Treasury Certificates of Indebtedness of Series C–1950, in exchange for Treasury Certificates of Indebtedness of Series C–1949, maturing March 1, 1949.

II. *Description of certificates.* 1. The certificates will be dated March 1, 1949, and will bear interest from that date at the rate of 1¼ percent per annum, payable with the principal at maturity on March 1, 1950. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before March 1, 1949, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series C–1949, maturing March 1, 1949, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates surrendered will be paid to the subscriber following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 49-1232; Filed, Feb. 16, 1949; 8:55 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

Foreign Trade and Financial Investments in Japan

The following material, promulgated by the Supreme Commander for the Allied Powers, Japan, contains regulations of interest to American citizens relative to foreign trade and financial investments in Japan. Included are SCAP Circular No. 1, January 14, 1949; SCAP Circular No. 2, January 14, 1949; Memorandum SCAPIN 1961, January 14, 1949; SCAP General Order No. 1, January 14, 1949; and Memorandum SCAP, ESS, January 15, 1949.

CIRCULAR NO. 1, JANUARY 14, 1949

PRIVATE COMMERCIAL ENTRANTS

SECTION I. *Rescissions and references*—1. a. *Rescissions.* (1) Circular 3, General Headquarters, Supreme Commander for the Allied Powers, February 25, 1948.

(2) Circular 20, General Headquarters, Supreme Commander for the Allied Powers, June 24, 1948.

(3) Circular 25, General Headquarters, Supreme Commander for the Allied Powers, July 27, 1948.

b. *References.* (1) Circular 1, General Headquarters, Supreme Commander for the Allied Powers, January 3, 1948.

(2) Circular 21, General Headquarters, Supreme Commander for the Allied Powers, June 26, 1948.

(3) Circular 2, General Headquarters, Supreme Commander for the Allied Powers, January 14, 1949.

SEC. II. *General.* 2. Upon properly sponsored application, approved as hereinafter provided, entry of private commercial entrants to Japan is permitted provided their entrance is for one or more of the following purposes:

a. Engaging in private trade for the purchase of, or to make arrangements for future purchases of potential exports, or to sell or make available the raw materials or other commodities which Japan must import in order to increase the volume of foreign trade.

b. Providing services necessary and attendant to international trade.

c. Seeking restitution of holdings in Japan prior to the war, the restitution of which would contribute to the economic rehabilitation of Japan.

d. Investigating business and investment possibilities which would contribute to the economic rehabilitation of Japan.

e. Conducting business and investment activities in conformity with applicable regulations of the Supreme Commander for the Allied Powers and Japanese Law.

3. The provisions of this circular do not operate in any way to discontinue the authorization for trade representatives and commercial missions for the conduct of international trade on a government-to-government basis. (Memorandum from General Headquarters, Supreme Commander for the Allied Powers, for Chiefs of Allied Missions in Japan, AG 091.31 (May 14, 47) ESS/EX, subject: Trade Representatives in Japan, May 14, 1947).

SEC. III. *Application for entry.* 4. a. Applications for entry of commercial entrants must be sponsored by the country concerned for the purposes outlined in paragraph 2. Applications should be submitted to the Supreme Commander for the Allied Powers by the representative in Japan of the country of the national desiring entry. In the event that the country concerned does not have a diplomatic representative in Japan, the request may be made through diplomatic channels to the United States Department of State, or through the diplomatic mission in Japan representing the country's interest.

b. Applications will contain the following information:

(1) Full name.

(2) Place and date of birth.

(3) Citizenship. If naturalized, date and place of naturalization.

(4) Present occupation, including name of organization with which employed, if applicable.

(5) Full explanation of purpose of visit to Japan and full description of nature of work to be performed, including name of organization with which applicant is to be employed, attached or will represent.

(6) Particulars concerning subsistence and housing arrangements in Japan. (Japanese Government operated hotels are available for not to exceed 60 days.)

(7) Desired length of stay.

(8) Desired date of entry.

(9) Point of origin outside Japan and final destination in Japan.

(10) Probable port of arrival in Japan.

(11) Number, date of issuance, period of validity of passport and issuing authority.

c. Applications will be considered by the Supreme Commander for the Allied Powers in priority of their receipt. Entry permits will be valid during a period of 60 days.

d. Not more than two representatives from any single private firm or enterprise (other than those companies providing services attendant with trade) will be permitted entry at any one time when such entry requires use of Japanese Government operated hotels.

e. Upon arrival of a commercial entrant at point of entry:

(1) He will have in his possession a passport or equivalent travel document, together with a statement in English from an authorized representative of the country of his nationality at point of origin, that he has been cleared by the Supreme Commander for the Allied Powers for entry into Japan; this statement will include the same information required in paragraph 4b.

(2) His baggage will be subject to customs inspection and may include those items which can be reasonably assumed to be for his own personal use, consisting of personal property, household articles, professional instruments and tools of trade, and such bona fide samples or other commercial items of a value not to exceed $500 as may be necessary and appropriate in the conduct of his authorized business. Importation of property and cargo of individuals into Japan will be in accordance with the provisions of Circular 21, General Headquarters, Supreme Commander for the Allied Powers, June 26, 1948, and such other regulations as may be promulgated from time to time by the Supreme Commander for the Allied Powers. Declarations will include all money, negotiable instruments, legal and commercial documents, and all property which he wishes to take into Japan. Items for personal use, bona fide samples and such other commercial items as may be necessary and appropriate in the conduct of his authorized business are now admitted duty free; however, commercial entrants will be required to pay such customs duties as may later be imposed.

(3) He will have in his possession upon arrival, a certificate showing successful vaccination against smallpox and typhoid fever within the preceding 12 months. Persons, however, arriving from epidemic and smallpox areas may be required to show evidence of a successful vaccination within the preceding 60 days. Other special immunizations may be required as deemed necessary by competent quarantine authorities on the basis of actual or threatened epidemic in Japan or to prevent the introduction of epidemic diseases into Japan. All persons arriving in Japan shall have in their possession certificates showing that the required vaccinations have been received. Persons arriving without the required certificates will be given the necessary vaccinations and placed under observation or surveillance for a sufficient period to determine their freedom from these diseases.

(4) His passport and authority to enter will be checked by military government officials and he will be registered. Registration will consist of:

(a) Presentation by the individual, to the provost marshal concerned, of two passport photographs which he has brought with him to Japan, together with other instruments necessary to establish his identity.

(b) The preparation and issuance of a special identification card which will contain the following:

1 Front. Picture of the person registered, date of issue, name, nationality, employing agency or status, serial number of the card and signature of registrant, countersigned by the provost marshal.

2 Back. Height, weight, color of eyes, color of hair, date of birth, and the statement in English and Japanese: "The holder of this card is registered with the provost marshal at _____."

(c) The making of a duplicate record of such card and its retention in the files of the issuing provost marshal.

f. Each commercial entrant is required to carry with him at all times when outside his abode, the identification card referred to in paragraph 4e (4) (b), and to present this card to proper authority upon request. This identification card is the only authority required for the commercial entrant to travel within Japan to points within 100 miles of the place of registration. A commercial entrant traveling more than 100 miles from place of registration must have in his possession travel orders or authority issued by the appropriate agency of General Headquarters, Supreme Commander for the Allied Powers. The identification card will be surrendered only upon departure at point of exit.

5. a. A commercial entrant desiring to stay beyond 60 days must apply after arrival for a semipermanent resident's permit, and will be required:

(1) To provide his own logistic support independent of occupation force facilities. Extensions beyond 60 days for those desiring to use commercial hotel facilities operated by the Japanese Government will be granted only in the event that such facilities are adequate to permit such extension without denying entrance to waiting applicants.

(2) To demonstrate that his continued stay in Japan will expand the volume of Japanese foreign trade, assist in the economic rehabilitation of Japan, or otherwise promote the objectives of the occupation.

b. If a commercial entrant, prior to obtaining a semipermanent resident's permit, leaves Japan and reenters within 30 days, the period of time spent away from Japan will be included in the 60 days in which he must apply for a semipermanent resident's permit. If the period of time spent away from Japan is more than 30 days, a new application for entry must be submitted and he will again be allowed 60 days after arrival in which to apply for a semipermanent resident's permit.

6. Entry permits or semipermanent resident's permits may be cancelled at any time at the discretion of the Supreme Commander for the Allied Powers. The continued presence of a commercial entrant in Japan is contingent upon his contributing to the achievement of the objectives of the occupation. Actions which are inimical to the objectives of the occupation, or which operate to the detriment of the economic rehabilita-

tion of Japan, are cause for revocation of entry permits.

SEC. IV. *Status of commercial entrants.* 7. A commercial entrant who is authorized to enter Japan under the provisions of this circular is not a member of the occupation forces or attached to or accompanying such forces. Such entrant is subject not only to all laws and regulations specifically made applicable by their terms to commercial entrants, but also to all laws and regulations applicable in Japan to other nationals of his country who are not members of, or attached to, or accompanying the occupation forces, whether such laws or regulations are promulgated by the Supreme Commander for the Allied Powers or pursuant to authority delegated by him, or by the Japanese Government.

8. All commercial entrants in Japan are prohibited from committing any act prejudicial to the security of the occupation forces or any member thereof, or any persons attached to or accompanying the occupation forces. Commercial entrants are subject to arrest by military authorities for the violation of applicable regulations of the Supreme Commander for the Allied Powers, including but not limited to the following prohibitions:

a. Entering any of the following areas and installations:

(1) Temporary enclosures and stockades for war criminals.

(2) Dump areas containing confiscated war materials and supplies.

(3) Military installations, except as necessary in the transaction of authorized business.

(4) All other areas and installations that have been placed "off limits" for security purposes.

b. Carrying arms or other lethal weapons.

c. Failing to comply with travel regulations promulgated by the occupation forces.

9. a. A commercial entrant is subject to arrest for offenses committed in Japan against the laws and regulations mentioned in paragraph 7, or for violation of the provisions of this circular. Such arrest in the case of a United Nations national will be made by the military police, except that in areas where troops of the occupation forces are not actually present on duty, and there is reasonable evidence that a serious offense has been committed, or when otherwise ordered by the Supreme Commander for the Allied Powers or his authorized subordinates, arrest may be made by the Japanese police. Arrest in the case of persons not United Nations nationals may be made by either the military or the Japanese police.

b. Trial for offenses committed in Japan, where the accused is a United Nations national, will be by military court. In a case where the accused is not a United Nations national, in the absence of specific direction by competent authority that the trial be by military court, trial may be either by a Japanese criminal court or by military court.

10. All persons or organizations in Japan not attached to or accompanying the occupation forces are subject to Japanese civil law and are subject to the jurisdiction of Japanese courts in civil matters, except as modified by applicable directives of the Supreme Commander for the Allied Powers. The Japanese Government has been prohibited from imposing discriminatory taxes against non-Japanese nationals and from imposing any tax based upon, or measured in, non-yen currencies. United Nations nationals are also exempt from any tax against them or their property designed primarily to meet reparations or other charges incurred by the Japanese Government because of World War II, such as the Capital Levy, the Non-War Sufferers Special Tax, and part of the War Indemnity Special Measures Law. Except as indicated above, yen income is subject to Japanese taxation, and the Japanese Government has the power to carry out property attachment proceedings and other law enforcement actions of a noncriminal nature. However, decisions in all civil cases affecting United Nations nationals or organizations, or in which such nationals or organizations are or may become parties, shall be subject to review, including revision or such other action as may be considered necessary by the Supreme Commander for the Allied Powers or his authorized representatives.

11. Commercial entrants will conduct their business and investment activities, including international trade, in accordance with provisions of Circular 2, General Headquarters, Supreme Commander for the Allied Powers, January 14, 1949, and applicable regulations. With the exception of items for personal use and such commercial items as may be necessary and appropriate in the conduct of authorized business (see paragraph 4e (2)), all international trade will be conducted subject to approval by the Japanese Board of Trade (Boeki Cho). Although negotiations with individual Japanese are permitted, private contracts and agreements are not valid unless approved and validated by the appropriate governmental authority.

12. Commercial transactions with occupation force agencies or personnel are not permitted without specific written authority.

13. Except as specifically permitted by license or other written authority, commercial entrants are not authorized to use or possess military payment certificates.

14. Financial transactions will be conducted in accordance with exchange controls and other applicable occupation force and Japanese Government regulations. All foreign currencies, including United States dollars, will be converted or deposited within 48 hours after arrival. Use of such currencies in Japan is illegal except that during the first 48 hours after arrival commercial entrants may purchase foreign trade payment certificates (in amounts necessary to meet personal expenses) and Japanese yen. Thereafter purchases of foreign trade payment certificates and yen may be made with acceptable foreign exchange instruments. In all cases except in the course of business activities specifically permitted by the Supreme Commander for the Allied Powers, conversion of foreign currency into yen through other than authorized official sources and at official rates is prohibited.

SEC. V. *Logistic support.* 15. a. Commercial entrants will receive those logistic privileges and use of facilities of the occupation forces which are herein authorized.

b. The Japanese Government has been charged with the responsibility of arranging for special hotel accommodations in Tokyo, Kyoto, Osaka and Nagoya. These hotels are operated by Japanese who are authorized to accept foreign trade payment certificates. Accommodations, supplies, or services which must be paid for in foreign trade payment certificates, and dollar rates charged therefor, will be specified by the Supreme Commander for the Allied Powers. Commercial entrants will be permitted to use these facilities for a period not to exceed 60 days, except as provided in paragraph 5a (1).

c. Lease, rental or acquisition of properties required by commercial entrants will be made in conformity with provisions of Circular 2, General Headquarters, Supreme Commander for the Allied Powers, January 14, 1949. Arrangements for clerical assistance and other services may be made on a private basis subject to applicable Japanese law. The Japanese Board of Trade (Boeki Cho) maintains a list of available residential and commercial facilities. Normally all contracts entered into for lease or rental will be expressed in Japanese yen; however, for any commercial entrant who so desires, Koeki Cho will negotiate for payment of rental in acceptable foreign exchange subject to validation by the Supreme Commander for the Allied Powers. Use of facilities requisitioned or procured by occupation forces is prohibited.

d. An Overseas Supply Store, which is operated and maintained under the supervision of Boeki Cho, is available to all commercial entrants for purchase of foodstuffs and sundries, as provided for in Circular 1, General Headquarters, Supreme Commander for the Allied Powers, January 3, 1948.

e. The Supreme Commander for the Allied Powers assumes no responsibility for procuring private facilities or private logistic support for commercial entrants.

16. Government trade representatives and commercial missions in excess of those authorized in accordance with the provisions of memorandum from General Headquarters, Supreme Commander for the Allied Powers, to Trade Representatives in Japan, AG 091.31 (May 14, 47) ESS, subject: Trade Representatives in Japan, May 14, 1947, will be supported logistically in the same manner as provided commercial entrants.

17. Public rail and bus facilities (but not motor pool facilities) provided for occupation force personnel will be available for use by commercial entrants. Individuals using these facilities are subject to applicable regulations governing individuals traveling on other than official business essential to the occupation. Commercial entrants are authorized to ride in Japanese trains and coaches at regular Japanese rates.

18. Commercial entrants are authorized the use of all domestic commercial communication facilities within Japan and the use of all private message services over international radiotelegraph circuits from Japan as well as the use of radiotelephone service from Japan to the United States, at regular commercial rates.

19. Commercial entrants are not permitted to use the postal facilities of Allied Army and Fleet post offices.

20. Dependents and clerical assistants will not be cleared for entry when such entry will require the use of Japanese commercial hotel facilities, facilities requisitioned or procured by the occupation forces, or support from the occupation forces.

21. Automobiles may be brought to Japan only after a semipermanent resident's permit has been obtained.

SEC. VI. *Functions of General Headquarters, Supreme Commander for the Allied Powers.* 22. General Headquarters, Supreme Commander for the Allied Powers, will perform the following functions:

a. Issue final approval for entry into Japan, informing the Commanding General, Eighth Army, of each clearance granted.

b. Establish procedures for:

(1) Licensing, pricing and payment in international trade transactions including validation of import and export licenses and approval of contracts.

(2) Licensing persons and firms engaged in business involving the receipt of foreign exchange in Japan, such as banking, shipping, insurance, etc., or the dissemination of informational or cultural materials.

(3) Validation of leases, rentals or acquisitions of properties or interests where required by applicable regulations.

c. Establish or assure the availability of necessary facilities for the conduct of personal and commercial business to include:

(1) Briefing as to the regulations governing the personal conduct of the entrants, and the consumption of their commercial business.

(2) Supervision over the accommodations furnished by the Japanese Government.

(3) Facilities for deposit of all foreign currencies and for the exchange of convertible currency for foreign trade payment certificates and Japanese yen.

(4) Issuance of travel orders required by paragraph 4f.

(5) Issuance of statement of clearance which the commercial entrant will present to a representative of Commanding General, Eighth Army, at port of exit.

d. Maintain necessary records as to number of commercial entrants entering and leaving Japan and submit necessary reports to the Department of the Army.

SEC. VII. *Responsibilities of Commanding General, Eighth Army.* 23. The Commanding General, Eighth Army, has the same responsibility for entry and exit of commercial entrants as for other categories of individuals and will perform the following additional functions:

a. Receive commercial entrants at ports of entry and supervise necessary customs inspection to prevent the importation of items prohibited by current directives.

b. Register commercial entrants immediately upon entrance.

c. Check military permit, passport, and authority to enter against list furnished by the Supreme Commander for the Allied Powers.

d. Check medical records and provide necessary immunization and vaccination (requirements are the same as for occupation personnel).

e. Coordinate with the Japanese Government to arrange for the prompt movement of the individual.

f. Provide emergency attention. Except in case of emergency or when enroute on occupation force trains, occupation force rations and billets will not be provided.

g. Provide emergency medical treatment at military medical facilities to the extent of availability and limited to that required to prevent undue suffering or to save life or limb. Elective medical and dental care will not be provided. Medical services provided will be on a reimbursement basis at the dollar rates prescribed in current publications.

h. Keep necessary records and notify General Headquarters, Supreme Commander for the Allied Powers, whenever a commercial entrant scheduled to depart from Japan fails to depart.

i. At port of exit, verify clearance issued by General Headquarters, Supreme Commander for the Allied Powers, and collect identification cards.

SEC. VIII. *Miscellaneous.* 24. Japanese government commercial hotels are primarily established and operated for the use of commercial entrants. Permission to engage in international trade, or other business or investment activities granted by or in accordance with Circular 2, General Headquarters, Supreme Commander for the Allied Powers, January 14, 1949, does not entitle other personnel, including non-Japanese who have been continuously residents in Japan since September 2, 1945 or who have been permitted entry by the Supreme Commander for the Allied Powers for the purpose of establishing permanent residence, to the use of Japanese government facilities operated primarily for commercial entrants, or to the privileges and use of occupation facilities herein authorized for commercial entrants.

25. No member of the occupation forces and no person attached to or accompanying the occupation forces, including his dependents may participate in international trade or other business or investment activity in Japan for personal gain or advantage, or on behalf of any private person or agency, except as specifically licensed by General Headquarters, Supreme Commander for the Allied Powers.

26. With the exceptions noted above commercial entrants may designate Japanese, Japanese firms, or foreign nationals in Japan as their agents, subject to approval of the Japanese Government and the Supreme Commander for the Allied Powers.

27. Commercial entrants may utilize to the extent of availability the International Hospitals located at Tokyo, Yokohama, Kobe and Osaka. Payment for services received will be made in Japanese yen.

28. Religious services available to the occupation forces will be available to commercial entrants.

29. Amusements:

a. Concerts and similar entertainment and sports contests for occupation forces where no admission charges are made will be available to commercial entrants as spectators.

b. Entertainment where fees are charged to occupation forces will be available according to contract agreements of the entertainment concerned.

c. Private club privileges will be extended according to the regulations of the club concerned. Private clubs desiring to extend privileges involving payments will submit necessary applications authorizing them to accept and redeem foreign trade payment certificates.

CIRCULAR NO. 2, JANUARY 14, 1949

FOREIGN BUSINESS AND INVESTMENT ACTIVITIES IN JAPAN

1. *Rescission and reference*—a. *Rescission.* Paragraph 3b, Circular 17, General Headquarters, Supreme Commander for the Allied Powers, June 2, 1948.

b. *Reference.* Circular 1, General Headquarters, Supreme Commander for the Allied Powers, January 14, 1949.

2. *Purpose.* The purpose of this circular is to establish the conditions under which non-Japanese nationals and foreign controlled firms and their authorized agents may conduct business and investment activity in Japan.

3. *Definitions.* a. A "foreign controlled firm," for the purpose of this circular, is defined as a corporation, institution, or other organization wholly owned or controlled, directly or indirectly, by non-Japanese nationals.

b. "Business activity in Japan," for the purpose of this circular, is defined as commercial or financial transactions or industrial operations other than those conducted solely for the occupation forces.

4. *Entry.* As indicated in referenced circular, 1b above, and under conditions set down therein, persons with a trade, business, or investment interest in Japan who have been sponsored by Allied or neutral governments are permitted entry into Japan.

5. *Permission to do business.* a. Military personnel and personnel attached to or accompanying the occupation forces, including their dependents, are prohibited from engaging in business or investment activity in Japan, except as specifically licensed by General Headquarters, Supreme Commander for the Allied Powers. Employment of dependents by private commercial concerns engaged in interhational trade is authorized provided this employment does not involve dependents serving on their own behalf or as agents to make sales to or purchases from Japanese agencies or individuals.

b. Non-Japanese nationals who have been in continuous residence in Japan since September 2, 1945, or who have been permitted entry by the Supreme Commander for the Allied Powers for the purpose of establishing permanent residence in Japan, and firms wholly owned or controlled by them are permitted to engage in business transactions in Japan on a non-discriminatory basis with Japanese nationals, except as provided in paragraph 8 below.

c. Effective the date of this circular, Allied and neutral nationals or firms who are entitled to claim restoration or restitution of properties or contract rights held prior to December 7, 1941 are permitted to resume their prewar business activities in Japan on a non-discriminatory basis with Japanese nationals, except as provided in paragraph 8 below.

d. In all other cases, effective the date of this circular, non-Japanese nationals and foreign controlled firms and their authorized agents are permitted to engage on a non-discriminatory basis with Japanese nationals, except as provided in paragraph 8 below, in international trade and in those specific business activities in Japan which positively aid in Japanese economic rehabilitation, or provide a source of foreign exchange for Japan or are otherwise in furtherance of occupation objectives. Application to secure permission for engaging in specific activities other than international trade will be made to General Headquarters, Supreme Commander for the Allied Powers.

e. Notwithstanding the provisions of subparagraphs a through d above, persons and firms engaged in business involving the receipt of foreign exchange in Japan; the importation or dissemination of educational informational or cultural materials from abroad; or other activities which may hereafter be designated, are required to be licensed by the Supreme Commander for the Allied Powers. Persons and firms now operating under license by the Supreme Commander for the Allied Powers, which are not required to be licensed by this subparagraph, may request termination of such licenses if they so desire.

6. *Compliance with regulations of the Supreme Commander for the Allied Powers and Japanese Law.* All permission to engage in international trade and other business activity granted by the above paragraph is contingent upon compliance with regulations of the Supreme Commander for the Allied Powers and Japanese Law, including applicable economic control regulations. Violations thereof will consitute grounds for termination of permission to do business and for deportation. Laws particularly relevant in this connection are the Price Control Ordinance, the Temporary Demand and Supply Adjustment Law (governing allocations of critical industrial materials) and Japanese tax laws.

7. *Critical shortages in the Japanese economy.* At the present time Japan is suffering from critical shortages of materials, facilities and seryices. Business and industrial operations conducted by non-Japanese nationals and firms may be handicapped by such shortages and are hereby so informed. The permission to do business granted by or pursuant to paragraph 5 in no way constitutes grounds for any special claim on materials, facilities and services necessary to carry out the contemplated business operations or continue present business operations. Non-Japanese nationals or firms wishing to engage in business in Japan which would require Japanese materials, facilities or services are advised to inquire of the Japanese government Economic Stabilization Board as to the prospective availability of such materials, facilities and services and to guide themselves accordingly.

8. *Acquisition of properties and rights.* a. Effective the date of this circular non-Japanese nationals and foreign controlled firms permitted to do business by paragraph 5 above and their authorized Japanese agents, are authorized to acquire or lease properties and rights in Japan in accordance with Japanese law, except that acquisition of property interests and rights in the following categories from Japanese nationals, from firms in which Japanese nationals or firms have a proprietary interest and from Japanese government agencies, will be void unless validated by the Japanese Government and the Supreme Commander for the Allied Powers:

(1) Acquisition of title to stocks and shares or of an interest in the profits of an enterprise.

(2) Acquisition of title to land and/or residence for business purposes, and to commercial and industrial buildings and installations, and plant and facilities attached thereto. (Land and residences reasonably required by an individual signatory to the contract for his full or part time residence are not business properties; all other land and residences are business properties and subject to the provisions of this subparagraph).

(3) Leases for periods in excess of five years, mortgages or other hypothecations, and arrangements for or options to future acquisition of properties in the categories indicated in subparagraphs (1) and (2) above.

(4) Acquisition of patents of Japanese origin and rights thereunder.

(5) Acquisition of rights to a proportion of the output or sales of an enterprise for a period in excess of one year.

b. Applications for validation as required by subparagraph a above will be submitted to the appropriate agency of the Japanese government as designated.

c. Real properties acquired or leased by non-Japanese nationals and foreign controlled firms are subject to requisition by the occupation forces on the same basis as Japanese properties. Non-Japanese nationals and foreign controlled firms contemplating acquisition or lease of real properties may secure information from General Headquarters, Supreme Commander for the Allied Powers as to whether there is a foreseeable occupation requirement for the properties involved.

d. The requirements for validation established in this paragraph shall not apply to restoration or restitution of properties to prewar owners by the Japanese government under supervision of the Supreme Commander for the Allied Powers nor shall anything in this paragraph be construed as validating any acquisition or lease of properties or rights which was made before the date of this circular and which was contrary to existing laws or regulations of the Supreme Commander for the Allied Powers or otherwise invalid at the time made.

9. *Remittances.* Except as provided by special license by the Supreme Commander for the Allied Powers, conversion of yen into foreign currency or exchange and agreements or arrangements involving such conversion are prohibited.

MEMORANDUM, SCAPIN NO. 1961 JANUARY 14, 1949

MEMORANDUM FOR: Japanese Government.

SUBJECT: Business Activities of Non-Japanese in Japan.

1. *References.* a. Circular 1, General Headquarters, Supreme Commander for the Allied Powers, subject: Private Commercial Entrants, January 14, 1949.

b. Circular 2, General Headquarters, Supreme Commander for the Allied Powers, subject: Foreign Business and Investment Activities in Japan, January 14, 1949.

2. Reference 1a above permits the entry of commercial and other business entrants into Japan and reference 1b above sets forth the conditions and regulations under which non-Japanese nationals and foreign controlled firms may engage in business and investment activities in Japan so as to assist in Japanese economic rehabilitation.

3. In order to facilitate the restoration of normal economic relationships for the purpose of establishing the Japanese economy on a self-supporting basis, it is desired that the Japanese Government implement the principles set forth in the referenced circulars in the following ways:

a. Take the necessary legal steps to assure non-Japanese nationals and firms permitted by the Supreme Commander for the Allied Powers to engage in business activities in Japan equal and non-discriminatory treatment with Japanese nationals and firms except as may be otherwise provided by the Supreme Commander for the Allied Powers.

b. Receive such applications by commercial entrants to engage in business activity in Japan as may be referred to it by General Headquarters, Supreme Commander for the Allied Powers, and recommend to the Supreme Commander for the Allied Powers whether such activity is desirable in that it will further Japanese economic rehabilitation, result in foreign exchange accruals to Japan, decrease foreign exchange expenditures or otherwise further occupation objectives as communicated to the Japanese Government.

c. Answer requests of non-Japanese nationals or firms desiring to engage in business or investment activity as to the prospective availability of materials, facilities and services requisite for the contemplated activity.

d. Receive and decide, subject to review by the Supreme Commander for the Allied Powers, on applications by non-Japanese nationals and foreign controlled firms and their authorized Japanese agents, for validating acquisition from Japanese nationals, from firms in which Japanese nationals or firms have a proprietary interest and from Japanese Government agencies of property interests or rights in the following categories:

(1) Acquisition of title to stocks and shares or of an interest in the profits of an enterprise.

(2) Acquisition of title to land and/or residences for business purposes, and to commercial and industrial buildings and installations, and plant and facilities attached thereto. (Land and residences reasonably required by an individual signatory to the contract for his full or part time residence are not business properties; all other land and residences are business properties and subject to the provisions of this subparagraph.)

(3) Leases for periods in excess of five years, mortgages or other hypothecations, and arrangements for or options to future acquisition, of properties in the categories indicated in subparagraphs (1) and (2) above.

(4) Acquisition of patents of Japanese origin and rights thereunder.

(5) Acquisition of rights to a proportion of the output or sales of an enterprise for a period in excess of one year.

e. The Japanese Government, when validating transactions indicated in subparagraph 3d above, will state that the acquisition of property interest or right thereby validated:

(1) Is necessary either to carry on a present or prewar business activity or to engage in a new activity which is desirable as defined in subparagraph 3b above;

(2) Is not taking place under conditions of fraud, duress or undue influence assignable in any way to the occupation, and

(3) In no way constitutes a claim for remittance of foreign exchange or goods outside Japan beyond that authorized by applicable Japanese law or regulation of the Supreme Commander for the Allied Powers.

f. It is desired that the Japanese Government declare legally void all acquisitions, leases, hypothecations, mortgages, options, and arrangements for future acquisition of properties and rights for which validation is required by referenced Circular 2, which are made after the effective date thereof and which have not been specifically validated both by the Japanese Government and the Supreme Commander for the Allied Powers.

4. Direct communication between the appropriate agencies of the Japanese Government and the Economic and Scientific Section is authorized for the implementation of this memorandum.

GENERAL ORDERS NO. 1, JANUARY 14, 1949

FOREIGN INVESTMENT BOARD

1. References.

a. Circular 2, General Headquarters, Supreme Commander for the Allied Powers, January 14, 1949.

b. Memorandum for the Japanese Government, file AG 004 (April 27, 1948) ESS/EX, SCAPIN 1961, January 14, 1949.

2. The Foreign Investment Board is established to advise the Supreme Commander for the Allied Powers on the disposition of specific applications by foreign nationals and foreign-controlled companies for approval, where required by reference circular, to engage in business in Japan, or acquire certain types of business properties and interests.

3. The following are appointed as members of the Board.

Major General William F. Marquat, 06533, CAC Chairman
Mr. Frayne Baker, DAC
Mr. Walter K. Lecount, DAC
Mr. William S. Vaughn, DAC
Mr. Edward G. Welsh, DAC
Mr. Frank E. Pickelle, DAC
Mr. Clark Gregory, DAC

4. The Chairman is authorized to designate an Executive Chairman for the Board who will be responsible for the administrative operations pertinent thereto.

5. Applications for permission to engage in business, where required by reference circular, will be received by the Board which will refer them to the proper Japanese Government agency for advisory recommendation, coordinate with interested staff sections concerned, and prepare a recommendation thereon for submission to the Chief of Staff.

6. Contracts and agreements for acquisition of business properties and interests which have been validated by the Japanese Government pursuant to reference SCAPIN will be received by the Board, which will coordinate with interested staff sections concerned, and submit recommendations for or against validation thereof to the Chief of Staff for approval.

7. The Board will meet regularly at the call of the Chairman to consider and act on applications and contracts and agreements specified in paragraphs 5 and 6 above.

8. The Chairman of the Board will submit for the approval of the Chief of Staff the proposed standards to govern disposition of the applications received. Following such approval the Board is authorized to publish the approved standards for the information and guidance of non-Japanese business men and investors and other interested parties.

MEMORANDUM SCAP, ESS, 15 JANUARY 1949

SUBJECT: Minimum Standards for Business and Investment Activities of Non-Japanese in Japan.

The Supreme Commander for the Allied Powers has announced the following standards and criteria for validation of acquisition of Japanese properties and rights by non-Japanese during the Occupation.

Purpose. The minimum standards which follow have been established in order to guide and encourage acquisition of and investment in Japanese properties and rights by non-Japanese nationals and foreign controlled firms in such a manner as to:

1. Assist in and promote the rapid rehabilitation of the Japanese economy to the end of ensuring self-support and national independence.

2. Protect the Japanese people and economy in the conservation of their national resources during a period of military occupation.

3. Stimulate the restoration of sound international peacetime economic relationships as between Japan and the rest of the world.

Standards. Detailed criteria of standards for investment for approval for validation under the provisions of Circular No. 2, SCAP, 1949 are as follows:

1. Application must demonstrate that the investment or acquisition of property is necessary:

a. To carry on present business activities in the case of persons continuously resident in Japan since 2 September 1945 or

b. To resume a specific prewar activity. in the case of those with a legitimate restitution claim or

c. To carry on a new activity which will improve Japan's foreign exchange position, or positively aid in Japanese economic rehabilitation or otherwise further a specific expressed SCAP objective.

2. Application must demonstrate that alternative means, such as short-term lease or rental, purchase of bonds, expansion of non-Japanese enterprises, acquisition from non-Japanese, etc., are not practicable to achieve the purpose desired.

3. If yen is to be used for investment purposes, the application must show that yen was legally obtained from foreign exchange after the date of Circular No. 2 or that yen funds to be used for such acquisition were acquired by business operations in Japan during the Occupation and were not excessive in view of the goods or services furnished in connection with the acquisition thereof or yen acquired in lieu of restitution.

4. An application for acquisition must show that the property or right will be used in a manner that will add constructively to the Japanese economy.

5. Acquisition will not be validated where there is reasonable ground for belief that it is being acquired on behalf of a foreign government.

6. Acquisition of property interest or right in the following will not be validated:

a. An enterprise, a material amount of the assets of which have been or are likely to be designated for reparations removals, until such removal has been effected.

b. An enterprise which is or is considered by competent authority to be subject to dissolution, liquidation or reorganization under the economic reform program until the final adjudication of such dissolution, liquidation or reorganization.

7. The terms of any contract for acquisition must be fair to the Japanese seller or, in the case of a share of an enterprise or of the profits, production or sales, fair to the Japanese enterprise or the Japanese shareholders.

8. Investment in existing Japanese enterprises may only be made if the investment creates additional assets for the Japanese enterprise in contradistinction to the purchase of stocks or securities from other investors.

9. Notwithstanding paragraphs 1–8 above, acquisition of properties or rights by those receiving yen in lieu of restitution of property which was formerly owned by them and was treated as enemy property under Japanese wartime regulations will be validated automatically, providing only:

a. Total yen expended in each case under this exception does not exceed yen received in lieu of restitution.

b. Property or right acquired is similar in nature to formerly owned property.

10. Transactions will not be validated where there are reasonable grounds for suspecting fraud, duress or undue influence.

By command of General MacArthur.

PAUL J. MUELLER,
Major General, General Staff Corps,
Chief of Staff.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49–1229; Filed, Feb. 16, 1949; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR HIGHWAY PATROL STATION [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1949.

[F. R. Doc. 49–1207; Filed, Feb. 16, 1949; 8:51 a. m.]

IDAHO

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING PUBLIC LAND FOR USE BY FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS ADMINISTRATIVE SITE [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1949.

[F. R. Doc. 49–1210; Filed, Feb. 16, 1949; 8:52 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF ALASKA RAILROAD AS TERMINAL AND STATION GROUNDS AND FOR GRAVEL PITS [2]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

J. A. KRUG,
Secretary of the Interior.

FEBRUARY 7, 1949.

[F. R. Doc. 49–1212; Filed, Feb. 16, 1949; 8:52 a. m.]

MONTANA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF AGRICULTURE, AND REVOKING EXECUTIVE ORDER OF AUGUST 5, 1878, SO FAR AS IT AFFECTS THE LAND THUS WITHDRAWN [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

J. A. KRUG,
Secretary of the Interior.

FEBRUARY 7, 1949.

[F. R. Doc. 49–1214; Filed, Feb. 16, 1949; 8:52 a. m.]

NEVADA

CLASSIFICATION ORDER

FEBRUARY 4, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated

[1] See F. R. Doc. 49–1206, Title 43, Chapter I, Appendix, *supra.*

[1] See F. R. Doc. 49–1209, Title 43, Chapter I, Appendix, *supra.*

[2] See F. R. Doc. 49–1211, Title 43, Chapter I, Appendix, *supra.*

[1] See F. R. Doc. 49–1213, Title 43, Chapter I, Appendix, *supra.*

July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Carson City, Nevada, land district, embracing 20 acres:

NEVADA SMALL TRACT CLASSIFICATION NO. 20

For lease and sale for homesites only.

T. 21 S., R. 61 E., M. D. M.,
Sec. 32, W½SE¼SE¼.

2. As to applications regularly filed prior to 2:27 p. m., January 13, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., April 8, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., April 8, 1949, to the close of business on July 7, 1949.

(b) Advance period for veterans' simultaneous filings from 2:27 p. m., January 13, 1948 to the close of business on April 8, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., July 8, 1949.

(a) Advance period for simultaneous nonpreference filings from 2:27 p. m. January 13, 1948, to the close of business on July 8, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 1¼ acres, the longer dimensions to extend east and west.

7. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $150.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

8. Leases and patents will be subject to rights of way not exceeding 33 feet in width for roads and public utilities along all boundaries of the W½SE¼SE¼ Sec. 32, T. 21 S., R. 61 E., M. D. M. The rights of way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-1203; Filed, Feb. 16, 1949; 8:51 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

FEBRUARY 4, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 153.92 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 125

For lease and sale for homesites and cabin sites.

T. 1 N., R. 8 E., S. B. M.,
Sec. 6, Tracts 3, 4, 5, 6, 7, 16, 17, 18, 19, 20, 21, 30, 31, 32, 33, 34, 48, 49, 50, 51, 52, 53, 73, 74, 75, 76, 89, 90, 91, 92.

2. As to applications regularly filed prior to 9:00 a. m., March 19, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., April 8, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., April 8, 1949 to the close of business on July 7, 1949.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., March 19, 1948, to the close of business on April 8, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., July 8, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m., March 19, 1948, to the close of business on July 8, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-1204; Filed, Feb. 16, 1949; 8:51 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

FEBRUARY 4, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Sacramento, California, land district, embracing 60 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 126

For lease and sale for homesite purposes only.

T. 25 S., R. 33 E., M. D. M.,
Sec. 16, E½E½NE¼, E½W½E½NE¼.

2. As to applications regularly filed prior to 9:00 a. m., January 24, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., April 8, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., April 8, 1949, to the close of business on July 7, 1949.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., January 24, 1949, to the close of business on April 8, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., July 8, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m.,

January 24, 1949, to the close of business on July 8, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west in the E½E½NE¼ Section 16, and north and south in the E½W½E½NE¼.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $25.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued, and are also subject to existing rights-of-way for power transmission lines.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Sacramento, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-1205; Filed, Feb. 16, 1949; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1813]

LOAN ANNOUNCEMENT

FEBRUARY 4, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 30D Steele	$1,230,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1252; Filed, Feb. 16, 1949; 8:58 a. m.]

[Administrative Order 1814]

LOAN ANNOUNCEMENT

FEBRUARY 4, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 31C Burke	$1,640,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1253; Filed, Feb. 16, 1949; 8:58 a. m.]

[Administrative Order 1815]

LOAN ANNOUNCEMENT

FEBRUARY 4, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 44L Carroll	$310,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1254; Filed, Feb. 16, 1949; 8:59 a. m.]

[Administrative Order 1816]

LOAN ANNOUNCEMENT

FEBRUARY 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 2U, V, W Kay	$470,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1255; Filed, Feb. 16, 1949; 8:59 a. m.]

[Administrative Order 1817]

LOAN ANNOUNCEMENT

FEBRUARY 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 21S Coahoma	$257,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1256; Filed, Feb. 16, 1949; 8:59 a. m.]

[Administrative Order 1818]

LOAN ANNOUNCEMENT

FEBRUARY 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 34S, T Lee	$570,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1257; Filed, Feb. 16, 1949; 8:59 a. m.]

[Administrative Order 1819]

LOAN ANNOUNCEMENT

FEBRUARY 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 3P Jackson	$840,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1258; Filed, Feb. 16, 1949; 8:59 a. m.]

[Administrative Order 1820]

LOAN ANNOUNCEMENT

FEBRUARY 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 27L Decatur	$255,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1259; Filed, Feb. 16, 1949; 8:59 a. m.]

[Administrative Order 1821]

LOAN ANNOUNCEMENT

FEBRUARY 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 20T Marion	$410,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-1260; Filed, Feb. 16, 1949; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-185]

ACCIDENT OCCURRING AT LOS ANGELES, CALIF.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-92812 which occurred at Los Angeles, California, on January 21, 1949.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, February 16, 1949, at 9:00 a. m. (local time) in Room 4, Post Office Building, Arizona and Fifth Street, Santa Monica, California.

Dated at Washington, D. C., February 9, 1949.

[SEAL] FRANCIS H. MCADAMS,
Presiding Officer.

[F. R. Doc. 49-1219; Filed, Feb. 16, 1949; 8:55 a. m.]

[Docket No. SA-186]

ACCIDENT OCCURRING AT HOMER, ALASKA

NOTICE OF HEARING

In the matter of investigation of accident involving Aircraft of United States Registry NC-91006 which occurred at Homer, Alaska, on January 20, 1949.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, February 23, 1949, at 9:00 a. m. (local time) at the American Legion Hall, Anchorage, Alaska.

Dated at Washington, D. C., February 9, 1949.

[SEAL] FRANCIS H. MCADAMS,
Presiding Officer.

[F. R. Doc. 49-1220; Filed, Feb. 16, 1949; 8:55 a. m.]

[Docket No. 3511]

FLORIDA AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Florida Airways, Inc., for an extension of the duration of its temporary certificate of public convenience and necessity for route No. 75 so that it will have three full years of actual operations.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned to be held on February 21, 1949, at 10:00 a. m., eastern standard time, in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 10, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-1221; Filed, Feb. 16, 1949; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8987, 8988]

FOULKROD RADIO ENGINEERING CO. AND INDEPENDENCE BROADCASTING CO.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Monday, February 21, 1949, the Commission will hear oral argument on the following listed proceeding. The said oral argument will be held in Room 6121 of the offices of the Commission at Washington, D. C.

Docket No. 8987, WTEL, Foulkrod Radio Engineering Co., Philadelphia, Pa.: Order to show cause.

Docket No. 8988, WHAT, Independence Broadcasting Co., Philadelphia, Pa.: Order to show cause.

Adopted: February 10, 1949.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-1233; Filed, Feb. 16, 1949; 8:55 a. m.]

[Docket No. 9070]

HIGHLANDS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Henry L. Jollay, Ernest R. Baker, H. B. Craven and Edward Hasti, a partnership, d/b as The Highlands Broadcasting Company, Sebring, Florida, Docket No. 9070, File No. BP-5925; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of February 1949;

The Commission having under consideration the above-entitled application for permit to construct a new standard broadcast station to operate on the frequency 1340 kc, with 100 watts power, unlimited time, in Sebring, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be designated for hearing at a time and place to be specified by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WTAN, Clearwater, Florida, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Clearwater Broadcasters, Incorporated, licensee of Station WTAN, Clearwater, Florida, be made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-1237; Filed, Feb. 16, 1949; 8:56 a. m.]

[Docket No. 9147]

WHEELING BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Erlin L. Freeman, Kenneth H. Forney and Glen A. Forney, doing business as Wheeling Broadcasting Company, Wheeling, West Virginia, Docket No. 9147, File No. BP-6775; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of February 1949.

The Commission having under consideration a petition and supporting engineering affidavit, filed December 13, 1948, by Julian Louis Liebman, licensee of Station WKIN, Kittanning, Pennsylvania, that the above-entitled application of Wheeling Broadcasting Company, also under consideration by the Commission, requesting a permit to construct a new standard broadcast station to operate on the frequency 1600 kilocycles with a power of 500 watts, daytime only, at Wheeling, West Virginia, be designated for hearing and that the petitioner be made a party thereto;

It is ordered, That the said petition of Julian Louis Liebman, be, and it is hereby granted; and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Wheeling Broadcasting Company be, and it is hereby designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with station WKIN, Kittanning, Pennsylvania or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Julian Louis Liebman, licensee of Station WKIN, Kittanning, Pennsylvania, be, and he is hereby, made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-1236; Filed, Feb. 16, 1949; 8:56 a. m.]

[Docket Nos. 9227, 9228]

MATHESON RADIO CO., INC. (WHDH) ET AL.

ORDER CONTINUING HEARING

In re petitions of Matheson Radio Company, Inc. (WHDH), Boston Massachusetts, Docket No. 9227; and National Broadcasting Company, Inc. (KOA), Denver Colorado, Docket No. 9228; for reconsideration of Commission action granting the modification of construction permit application (BMP-3757) of Champlain Valley Broadcasting Corporation (WXKW), Albany, New York; for designation of the said modification construction permit application and permittee's license application (BL-3347) for hearing; for termination or modification of authority for WXKW to conduct program tests; and for other relief.

The Commission having under consideration a joint petition filed February 9, 1949, by Matheson Radio Company, Inc., National Broadcasting Company, Inc. (KOA), and Champlain Valley Broadcasting Corporation requesting a 60-day continuance in the hearing presently scheduled for March 1, 1949, at Washington, D. C., in re the above-entitled proceeding;

It is ordered, This 11th day of February 1949, that the petition be granted; and that the hearing in the above-entitled proceeding be continued to 10:00 a. m., Monday, May 2, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-1234; Filed, Feb. 16, 1949; 8:55 a. m.]

[Docket No. 9230]

COSTON-TOMPKINS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of James Goodrich Coston and Julian Lanier Tompkins tr/as Coston-Tompkins Broadcasting Company, Ironton, Ohio, Docket No. 9230, File No. BP-6902; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 9th day of February 1949.

The Commission having under consideration the above-entitled application which requests a permit to construct a new standard broadcast station to operate on the frequency 1230 kilocycles, with 100 watts power, unlimited time in Ironton, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the areas and populations which may be expected to receive satisfactory service.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-1238; Filed, Feb. 16, 1949; 8:56 a. m.]

[Docket Nos. 8691, 8692, 9231]

HICO BROADCASTERS ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. Harold Munn tr/as Hico Broadcasters, Jonesville, Michigan, Docket No. 9231, File No. BP-6889; Detroit Broadcasting Company (WJBK), Detroit, Michigan, Docket No. 8691, File No. BP-6235; James Gerity, Jr., tr/as The Adrian Broadcasting Company, (WABJ), Adrian, Michigan, Docket No. 8692; File No. BP-6251; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of February 1949;

The Commission having under consideration the above-entitled application of E. Harold Munn tr/as Hico Broadcasters for authorization to construct a new standard broadcast station at Jonesville, Michigan to operate on 1480 kilocycles with a power of 500 watts, daytime only; and

It appearing, That the Commission on December 18, 1947, designated for hearing in a consolidated proceeding the above-entitled applications of the Detroit Broadcasting Company, licensee of Station WJBK, Detroit, Michigan, for a construction permit to change facilities from 1490 kc, 250 watts, unlimited time to 1500 kc, 25 kw day, 10 kw night, using directional antenna day and night, unlimited time, and James Gerity, Jr., tr/as The Adrian Broadcasting Company (formerly Gail D. Griner and Alden M. Cooper db/as The Adrian Broadcasting Company change authorized by the Commission's grant of BAL-648, January 8, 1948) licensee of Station WABJ, Adrian, Michigan, for a construction permit to change facilities from 1500 kc, 250 watts, daytime, only to 1490 kc, 250 watts, unlimited time; and that said hearing is presently scheduled to begin in Washington, D. C., on April 25, 1949;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Hico Broadcasters is designated for hearing in the aforementioned consolidated proceeding, at the time and place aforesaid, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the station proposed for Jonesville, Michigan.

2. To determine the areas and populations which may be expected to gain (or lose) primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of WABJ, Adrian, Michigan, in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of

other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of the station recently authorized to Twin Valley Broadcasters, Inc. at Coldwater, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of December 18, 1947, designating the Adrian Broadcasting Company and the Detroit Broadcasting Company for hearing, is amended to include issue 8 as stated above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-1235; Filed, Feb. 16, 1949; 8:55 a. m.]

WINX

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on January 17, 1949 there was filed with it an application (BAPL-44) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WINX, instruments of authorization for two synchronous transmitters, and developmental broadcast station W3XOT from WINX Broadcasting Company to William A. Banks. The proposal to assign arises out of a contract of January 7, 1949 pursuant to which WINX Broadcasting Company proposes to transfer to William A. Banks the properties and equipment of said stations as described in the application and associated documents, for a consideration of $130,000 payable in cash on the closing date specified in the contract. The agreement further provides for the assignment to and assumption by William A. Banks of certain leases, specified contracts, etc., upon the conditions and for the purposes therein specified. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on February 4, 1949 that starting on February 3, 1949 notice of the filing of the application would be inserted in the Washington Post, a newspaper of general circulation at Washington, D. C. in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from February 3, 1949, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-1239; Filed, Feb. 16, 1949; 8:56 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. G-1151]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 11, 1949.

Notice is hereby given that, on February 11, 1949, the Federal Power Commission issued its findings and order entered February 10, 1949, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-1222; Filed, Feb. 16, 1949; 8:56 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5526]

E. I. DU PONT DE NEMOURS & CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D., 1949.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That William L. Pack, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, March 28, 1949, at two o'clock in the afternoon of that day (e. s. t.), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-1216; Filed, Feb. 16, 1949; 8:53 a. m.]

[Docket No. 5528]

FIR DOOR INSTITUTE ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 7th day of February A. D. 1949.

In the matter of Fir Door Institute, a corporation; and N. O. Cruver, Herman Snider, A. C. Peterson, Charles E. Devlin, and Frank P. Borden, all individually and as officers of Fir Door Institute; Acme Door Company, a corporation; Buffelen Lumber & Manufacturing Company, a corporation; Harbor Plywood Corporation, a corporation; M & M Wood Working Company, a corporation; Monarch Door & Manufacturing Company, a corporation; Northwest Door Company, a corporation; Robinson Manufacturing Company, a corporation; The Wheeler, Osgood Company, a corporation; Simpson Logging Company, a corporation; Weyerhaeuser Timber Company, a corporation; Crawford Door Company, a corporation; and Wallace E. Difford, an individual.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, May 2, 1949, at ten o'clock in the forenoon of that day (P. s. t.), in Room 117, Federal Office Building, First Avenue and Marion Street, Seattle, Washington.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall in-

clude recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-1217; Filed, Feb. 16, 1949; 8:53 a. m.]

[Docket No. 5529]

DOUGLAS FIR PLYWOOD ASSN. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 7th day of February A. D. 1949.

In the matter of Douglas Fir Plywood Association; and Herman Tenzler, Charles E. Devlin, and Harrison Clark, all individually, and as officers of the Douglas Fir Plywood Association; and E. W. Daniels, R. E. Seeley, N. O. Cruver, Arnold Koutonen, H. E. Tenzler, Frost Snyder, B. V. Hancock, T. B. Malarkey, and C. E. Devlin, all individually, and as members of the management committee of the Douglas Fir Plywood Association: and Douglas Fir Plywood Information Bureau, a voluntary organization; and Associated Plywood Mills, Inc., Buffelen Lumber & Manufacturing Company, a corporation, Coos Bay Lumber Company, a corporation, Elliott Bay Mill Company, a corporation, Eugene Plywood Company, a corporation, Harbor Plywood Corporation, M & M Woodworking Company, a corporation, Northwest Door Company, a corporation, Olympia Veneer Company, a corporation, Oregon-Washington Plywood Company, a corporation, Pacific Plywood Corporation, United States Plywood Corporation, Vancouver Plywood & Veneer Company, a corporation, Washington Veneer Company, a corporation, West Coast Plywood Company, a corporation, and The Wheeler, Osgood Company, all individually and as members of the Douglas Fir Plywood Association; and Aberdeen Plywood Corporation, Anacortes Veneer, Inc., Bellingham Plywood Corporation, Cascades Plywood Corporation, Nicolai Plywood Company, a corporation, Olympic Plywood Company, a corporation, Oregon Plywood Company, a corporation, Peninsula Plywood Corporation, Puget Sound Plywood, Inc., Robinson Manufacturing Company, a corporation, St. Paul & Tacoma Lumber Company, a corporation, Simpson Logging Company, a corporation, Simpson Industries, Eslie Q. Walton and E. D. Walton, partners trading as Walton Plywood Company, Western Door & Plywood Corporation, and Springfield Plywood Corporation, all individually, and as subscribers to the Douglas Fir Plywood Corporation; and Pacific Mutual Door Company, a corporation, Smith-Wood Products, Inc., Weyerhaeuser Timber Company, a corporation, and Wallace E. Difford.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, March 21, 1949, at ten o'clock in the forenoon of that day (P. s. t.), in Room 117, Federal Office Building, First Avenue, and Marion Street, Seattle, Washington.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended findings and conclusions as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-1218; Filed, Feb. 16, 1949; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2051]

JOHN DABNEY MURCHISON

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of February 1949.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by John Dabney Murchison. Applicant has designated sections 9 (a) (2) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 18, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 18, 1949, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations as promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which is summarized as follows:

Applicant states that he is an affiliate of Southern Union Gas Company ("Southern"), as that term is defined in section 2 (a) (11) (A) of the act, by reason of his ownership of 96,309 shares or 8.96% of Southern's outstanding voting securities, including shares held outright and shares held indirectly through applicant's equity interest in one or more stockholders of Southern. Applicant proposes to acquire, directly or indirectly, warrants entitling him to subscribe, directly or indirectly, for not to exceed 9.630.9 shares of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants to acquire, directly or indirectly, 9,630 shares of such additional common stock at $12.50 per share. Applicant also proposes to acquire, directly or indirectly, additional shares, if any, which the warrants authorize to be subscribed, subject to allotment, and which are in fact allotted thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-1224; Filed, Feb. 16, 1949; 8:56 a. m.]

[File Nos. 59-93, 70-1804]

ARKANSAS NATURAL GAS CORP. ET AL.

NOTICE AND ORDER INSTITUTING PROCEEDINGS AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1949.

In the matter of Arkansas Natural Gas Corporation and its subsidiaries and Cities Service Company, respondents, File Nos. 59-93, 70-1804.

The Commission having examined, pursuant to sections 11 (a), 18 (a), and 18 (b) of the Public Utility Holding Company Act of 1935, the corporate structure of Arkansas Natural Gas Corporation ("Arkansas-Natural"), a registered holding company, and its subsidiary companies, the relationships among the companies in the holding company system of said Arkansas-Natural, the character of the interests thereof and the properties owned or controlled thereby, the relationship of Cities Service Company ("Cities"), a registered holding company, to Arkansas-Natural and the nature of Cities interests in Arkansas-Natural to determine the extent to which the corporate structure of such holding company system and the companies therein

may be simplified, unnecessary complexities therein eliminated and voting power fairly and equitably distributed among the holders of securities thereof; said examination, together with data in the official files of the Commission, having disclosed information establishing or tending to establish the following:

A. 1. Arkansas-Natural is a corporation organized under the laws of Delaware and maintains offices in Shreveport, Louisiana. Arkansas-Natural is a subsidiary of Cities and is itself a registered holding company within the meaning of section 2 (a) (7) of the Public Utility Holding Company Act of 1935, having registered on April 22, 1938.

2. Cities, a corporation organized under the laws of Delaware, is a holding company within the meaning of section 2 (a) (7) of the act and registered as a holding company on January 29, 1941. Cities owns approximately 40% of the preferred stock, 75% of the common stock, and 25% of the Class A common stock of Arkansas-Natural.

3. The names of the companies comprising the holding company system of Arkansas-Natural (the relationship being indicated by an indentation), the States of Organization, businesses, and percentage of voting securities owned by the system are shown in the following table:

TABLE I

Name of company	State of organization	Type of business	Percent of voting power
Arkansas Natural Gas Corp.	Delaware	Holding company	
Arkansas Louisiana Gas Co.	do	Gas utility	100
Gas Advisers, Inc.	do	Mutual Service Co.	26
Arkansas Fuel Oil Co.	West Virginia	Petroleum and its products	100
Arkansas Pipeline Corp.	Delaware	Common carrier oil pipe line	100
Orange State Oil Co.	Florida	Marketing of petroleum products	100
Arkana Transit Corp.	Delaware	Common carrier oil pipe line	50
The Penn Wyo Trust	Trust	Holding company	[1] 22.25
The Columbus Oil Co.	Colorado	Oil production	100
The Phebus Oil Co.	do	do	100
Petroleum Advisers, Inc.	New Jersey	Mutual Service Co.	17.30
Lisbon Gasoline Co., Inc.	Arkansas	Natural gasoline production	50
Transark Oil & Gas Co.	Delaware	Natural gas production	50

[1] Represents percent of ownership.

4. The corporate and consolidated capitalization and surplus of Arkansas-Natural, as shown by its balance sheet as at February 29, 1948, are set forth below:

TABLE II

	Corporate basis		Consolidated basis	
	Amount	Percent of total	Amount	Percent of total
Capitalization and surplus long-term debt			$16,064,083	15.95
Preferred stock—$10 par value 6 percent cumulative—2,187,696 shares	$21,876,960	35.63	21,876,960	21 72
Reserve to provide for exchange of stock of predecessor company	2,305		2,305	
Class A common stock—no par value—3,522,271 shares stated at $1 per share	3,522,271	5.74	3,522,271	3.50
Common stock—no par vlaue—4,080,716 shares, stated at $1 per share	4,080,716	6.65	4,080,716	4.05
Reserve to provide for exchange of stock of predecessor company	232		232	
Capital surplus	22,406,832	36.49	22,406,832	22.25
Earned surplus of merged companies at date of merger	3,955,385	6.44	3,955,385	3.93
Earned surplus	5,557,697	9.05	28,800,621	28.60
Total class A common and common stocks	39,523,133	64.37	62,766,057	62.33
Total capitalization and surplus	61,402,398	100.00	100,709,405	100.00

5. The preferred stock of Arkansas-Natural is not entitled to vote except when dividends are in default for a full twelve months' period, under which circumstances this class has the right to elect a majority of the board of directors and is entitled to one vote per share with respect to all other matters. In the event of liquidation each share of preferred stock is entitled to par value plus accumulated and unpaid dividends before any payments may be made on the common stock and Class A common stock. Upon redemption each share of preferred stock is entitled to par value plus accumulated unpaid dividends together with an amount equal to 6% of the par value of such shares.

6. The rights of the holders of the common stock and of the Class A common stock are identical in all respects except that the holders of the Class A common stock have no voting rights under any circumstances. The common stock has the sole voting right, except in the event of default of dividends on the preferred stock as noted above, in which event the common stock has the right to elect a minority of the board of directors and is entitled to one-half vote per share with respect to all other matters.

7. Arkansas-Natural resulted from a merger on April 1, 1928 of Arkansas Natural Gas Company, Natural Gas & Fuel Corporation and Industrial Gas Company. The latter two companies were affiliates of Cities.

The plant accounts of the three merging companies, which had been carried on the books of such companies at an aggregate of $21,499,146, were recorded on the books of Arkansas-Natural at $27,169,121, indicating a write-up of $5,669,975. In addition, it appears that substantial amounts of inflation had been recorded in the accounts of the predecessor companies prior to the merger.

The inflation of $5,669,975 so recorded in the plant account was also reflected in the capital structure of Arkansas-Natural through the issuance of additional securities at the time of the merger.

At the time of the merger, Arkansas-Natural also acquired certain oil and gas leases and acreages from Empire Oil and Refining Company, an affiliate of Cities, in consideration for the issuance of $750,000 par value of preferred stock and $298,846 stated value of common stock or an aggregate of $1,048,846. The cost of this property to Empire Oil and Refining Company was $239,523. This transaction resulted in a write-up of $809,323 in the plant account of Arkansas-Natural. These preferred and common shares were subsequently sold by Empire Oil and Refining Company to Cities for $750,000.

8. For its interest in the constituent companies, including the oil properties of Empire Oil and Refining Company, Cities received $5,350,000 par value of preferred stock and $2,450,535 of stated value common stock or an aggregate par and stated value of $7,800,535. The book cost to Cities and its affiliates of the securities and other assets given to Arkansas-Natural in exchange for these securities amounted to $2,623,948. It appears, therefore, that of the inflationary items mentioned above aggregating $6,479,298, the sum of $5,176,587 arose as a result of transactions between Cities or its affiliates and Arkansas-Natural.

9. In March 1929, the stockholders of Arkansas-Natural authorized the issuance of four million shares of no par value (non-voting) Class A common stock. This stock was offered to the common stockholders through a rights offering at $4.00 per share on the basis of one share for each four shares of common stock held. Pursuant to this offering 1,021,056.25 shares of Class A common stock were issued and Cities acquired its pro rata portion thereof, amounting to 617,851 shares. During 1929 an additional 2,501,465 shares of Class A common stock were issued and sold by Arkansas-Natural to Cities Service Securities Company ("Securities Company") through Henry L. Doherty & Company, both affiliates of Cities, at prices ranging from $4.00 to $15.00 per share, and were distributed by Securities Company to the public. Securities Company realized a gross profit of approximately $9,700,000 in connection with the marketing of this Class A common stock before deducting approximately $5,400,000 of selling and other expenses. During the period when it was marketing the Class A common stock, Securities Company engaged in trading in the common stock of Arkansas-Natural suffered a loss in this activity of approximately $5,800,000. Thus Securities Company considered it suffered a net loss of approximately $1,500,000 in marketing the Class A common stock. This was deducted from the proceeds given to Arkansas-Natural from the sale of the Class A common stock. Giving effect to these transactions Arkansas-Natural received net proceeds of $21,-

454,234 from the sale of the Class A common stock to Securities Company which, together with the proceeds from the rights offering in the amount of $4,084,225, aggregated $25,538,459. Of this amount, $3,522,521, or $1.00 per share, was recorded in the capital account and the balance of $22,015,938 was credited to capital surplus account.

10. Since the common stock and the Class A common stock share pari passu in respect of assets, the common stockholders as a class received an interest in the $22,015,938 of capital surplus contributed by the Class A common stock and as a result the book value of the common stock was increased from $2.43 per share to $4.64 per share. By virtue of its ownership of approximately 75% of the common stock of Arkansas-Natural, Cities acquired an interest of $7,089,324 in such capital surplus.

11. As indicated in paragraphs 7 and 8 above, the inflation recorded in the accounts of Arkansas-Natural at date of organization exceeded the stated value of common stock issued at that time. There has been no additional capital investment by the common stockholders since the date of organization. The Class A common stockholders, however, contributed approximately $25,500,000 of capital in the form of cash. Notwithstanding this disproportionate investment as between the two classes of stock, the sole normal voting rights have always been vested in the common stock. Since the Class A common stock and the common stock share pari passu in respect of assets and earnings, in excess of 50% of the capital contributed by the Class A common stock as well as the earnings generated by such investment has accrued to the common stock. As a result, and by virtue of the retention of approximately $5,500,000 of earnings, the book investment of the common stock amounts to $21,212,366 and the book investment of the Class A common stock amounts to $18,310,767. Cities, through ownership of 75% of the common stock, has an interest of approximately $16,000,000 in the book equity of the common stock representing 26% of the total capitalization and surplus and thereby exercises voting control of the Arkansas-Natural system which has consolidated assets of $162,471,345.

12. No dividends were paid on the preferred stock of Arkansas-Natural from 1933 to 1936 and arrearages continued until 1945 by which time all of the arrears had been eliminated. During the period when dividends on the preferred stock were in arrears, and the preferred stock as a class was in control of the company, Cities continued to have voting control of Arkansas-Natural by virtue of the ownership of approximately 40% of the preferred stock. During the years 1931 through 1940, while dividends were in arrears on the preferred stock of Arkansas-Natural, Cities acquired from other stockholders, in the market and otherwise, 161,810 shares of said preferred stock.

13. No dividends were paid on the common stock or on the Class A common stock of Arkansas-Natural since its organization in 1928 until 1948 when two quarterly dividends of 20 cents per share were declared and paid on each class of such stock. During this period consolidated earnings were substantial. Net income of Arkansas-Natural, after preferred stock dividend requirements, on consolidated and corporate bases for the years 1930 to 1947 and for the twelve months ended February 29, 1948, are set forth below:

TABLE III

	Net income after preferred stock dividend requirements	
	Consolidated	Corporate
Year:		
1930	$685,478	$(834,652)
1931	348,544	(1,746,410)
1932	(241,537)	(1,360,948)
1933	634,639	(1,084,901)
1934	193,097	(1,072,990)
1935	1,080,971	(1,143,390)
1936	3,941,359	(704,462)
1937	2,985,167	(1,262,165)
1938	1,043,614	313,513
1939	1,154,618	(76,096)
1940	303,695	499,350
1941	1,641,663	1,630,221
1942	1,868,643	585,038
1943	1,501,118	1,095,578
1944	2,199,523	1,714,861
1945	3,083,752	1,627,796
1946	2,974,184	197,310
1947	6,064,758	244,240
12 months ended Feb. 29, 1948	7,353,780	234,118

( ) Denotes deficit.

14. An original cost study of its plant account made by Arkansas Louisiana Gas Company ("Arkansas-Louisiana"), a subsidiary of Arkansas-Natural, discloses that such plant is carried on the books of the company at $11,949,299 in excess of original cost. Of this excess, Arkansas-Louisiana has designated $4,983,232 as Plant Acquisition Adjustments (Account No. 100.5) and $6,966,067 as Plant Adjustments (Account No. 107). It appears that substantially all of this excess relates to the gas distribution property of Arkansas-Louisiana.

15. In April 1928 Arkansas-Natural issued $13,000,000 principal amount of First Mortgage 6% Bonds, due April 1, 1943, to Cities at 90% of the principal amount thereof and received $11,700,000 in cash. These bonds were subsequently retired by cash payments and by the issuance of other debt securities, which were also retired by cash payments. As a result of these transactions, Cities realized an intra-system profit consisting of the original discount of $1,300,000 and redemption and prepayment premiums in an amount of $551,349 or an aggregate profit of $1,851,349.

B. On the basis of allegations contained herein, it appears tentatively to the Commission that there are reasonable grounds to believe that the corporate structure of Arkansas-Natural is unduly or unnecessarily complex and that voting power is unfairly and inequitably distributed among the security holders of Arkansas-Natural in contravention of the provisions of section 11 (b) (2) of the act.

It appearing to the Commission, in the light of the foregoing allegations, that it is appropriate in the public interest and in the interest of investors and consumers to institute proceedings with respect to Arkansas-Natural and its subsidiaries and Cities under sections 11 (b) (2), 12 (f), 15 (f) and 20 (a) of the act, in order to determine the relevant facts as to the organization and history of Arkansas-Natural and the relation of Cities thereto and to determine what steps, if any, should be taken by such companies pursuant to said sections; and

It further appearing to the Commission that much of the evidence bearing on the matters recited above and upon the questions to be determined herein, bears also upon the matters to be considered and the issues involved in the declarations and applications filed with the Commission by Arkansas-Natural (File No. 70–1804), on which hearings have heretofore been ordered, and that said proceedings should be consolidated and heard together:

It is hereby ordered, That a proceeding be, and it hereby is, instituted under sections 11 (b) (2), 12 (f), 15 (a), 15 (f) and 20 (a) of the act directed to Arkansas-Natural and its subsidiaries and to Cities and that such proceeding be, and it hereby is, consolidated with the proceeding under Commission File No. 70–1804.

It is further ordered, That Arkansas-Natural and its subsidiaries and Cities file with the Secretary of the Commission, on or before March 14, 1949, their answers, in the form prescribed by Rule U-25 of the rules and regulations under the act, admitting, denying or otherwise explaining their respective positions as to each of the allegations set forth in paragraphs 1 to 15 hereof, inclusive. Such answer may also include statements by the respondents of their views as to what action, if any, should be taken to eliminate complexities in the corporate structure of the Arkansas-Natural system and to distribute voting power among the security holders of Arkansas-Natural fairly and equitably in accordance with the provisions of section 11 (b) (2) of the act and what action should be taken by Arkansas-Natural and its subsidiaries with respect to their accounts in order to conform to the standards of section 15 (f) of the act.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceeding, particular attention shall be directed, at a hearing to be set by subsequent order upon appropriate notice, to the following matters and questions:

1. Whether the allegations contained in paragraphs 1 to 15 hereof, inclusive, are true and correct and whether there are any other facts or circumstances in connection with the organization and history of Arkansas-Natural and the relation of Cities thereto which are relevant to a determination of what action, if any, is required under section 11 (b) of the act.

2. Whether the corporate structure of Arkansas-Natural unduly or unnecessarily complicates the structure of the holding company system of which it is a part, or unfairly or inequitably distributes voting power among security holders of the Arkansas-Natural system in contravention of section 11 (b) (2) of the act and, if so, what steps should be required of Arkansas-Natural and its subsidiaries and of Cities to eliminate such complexi-

ties and to distribute fairly and equitably voting power among the security holders of Arkansas-Natural.

3. Whether it is appropriate to grant and permit to become effective, in whole or in part, the application and declaration filed by Arkansas-Natural in File No. 70–1804 prior to the determination of the matters and issues raised by the institution of this proceeding.

4. Whether it is necessary in the public interest or for the protection of investors or consumers to require that Arkansas-Natural and its subsidiaries and Cities restate their plant, investment, surplus, capital or other accounts pursuant to section 15 (f) of the act and the rules thereunder so as to segregate, dispose of, and eliminate write-ups and intangibles and make other adjustments in conformity with the standards of the act.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

Notice is hereby given of the institution of said proceeding to the above named respondents, to the Public Service Commission of the State of Arkansas, and to the Public Service Commission of the State of Louisiana, the Railroad Commission of the State of Texas, the Federal Power Commission and to all interested persons, said notice to be given to Arkansas-Natural, to each of Arkansas-Natural's subsidiaries, to Cities Service Company and to the above named commissions by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–1223; Filed, Feb. 16, 1949; 8:56 a. m.]

[File No. 70–2052]

CLINT W. MURCHISON, JR.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of February 1949.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Clint W. Murchison, Jr. Applicant has designated sections 9 (a) (2) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 18, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after February 18, 1949, said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Applicant states that he is an affiliate of Southern Union Gas Company ("Southern"), as that term is defined in section 2 (a) (11) (A) of the act, by reason of his ownership of 102,809 shares or 9.5% of Southern's outstanding voting securities, including shares held outright and shares held indirectly through applicant's equity interest in one or more stockholders of Southern. Applicant proposes to acquire, directly or indirectly, warrants entitling him to subscribe, directly, or indirectly, for not to exceed 10,280.9 shares of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants to acquire, directly or indirectly, 10,280 shares of such additional common stock at $12.50 per share. Applicant also proposes to acquire, directly or indirectly, additional shares, if any, which the warrants authorize to be subscribed, subject to allotment, and which are in fact allotted thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–1226; Filed, Feb. 16, 1949; 8:56 a. m.]

[File No. 70–2055]

WOFFORD CAIN

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of February 1949.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Wofford Cain. Applicant has designated sections 9 (a) (2) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 18, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 18, 1949, said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Applicant states that he is an affiliate of Southern Union Gas Company ("Southern"), as that term is defined in section 2 (a) (11) (A) of the act, by reason of his ownership of 82,697 shares or 7.7% of Southern's outstanding voting securities, including shares held outright and shares held indirectly through applicant's equity interest in one or more stockholders of Southern. Applicant proposes to acquire, directly or indirectly, warrants entitling him to subscribe, directly or indirectly, for not to exceed 8,269.7 shares of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants to acquire, directly or indirectly, 8,269.7 shares of such additional common stock at $12.50 per share. Applicant also proposes to acquire, directly or indirectly, additional shares, if any, which the warrants authorize to be subscribed, subject to allotment, and which are in fact allotted thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–1225; Filed, Feb. 16, 1949; 8:56 a. m.]

[File No. 70–2056]

ARKANSAS POWER & LIGHT CO. AND ELECTRIC POWER & LIGHT CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 11th day of February A. D. 1949.

Notice is hereby given that Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Electric's utility subsidiary, Arkansas Power & Light Company ("Arkansas"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (a) and 7 of the act and Rules U-62 and U-65 of the rules and regulations promulgated thereunder as applicable to the proposed transactions, which are summerized as follows:

Arkansas proposes to amend its charter in the following respects: (1) To increase its authorized common stock, of the par value of $12.50 per share, from 2,000,000 shares to 3,000,000 shares; (2) to modify the present provision which limits the amount of unsecured indebtedness which may be issued to 10% of the sum of secured indebtedness, capital

stock, and surplus, so as to provide that there shall be excluded from such 10% computation any unsecured indebtedness of a maturity in excess of ten years in an amount not exceeding 10% of the sum of secured indebtedness, capital stock, and surplus, with the further limitation that unsecured indebtedness having an original maturity of more than ten years shall, when its maturity becomes less than ten years, be regarded as unsecured debt of a maturity of less than ten years and be included as such in computing the 10% ratio provided with respect to such debt. The application-declaration states that Electric as the owner of the outstanding common stock of Arkansas will vote its stock in favor of the proposed amendments.

In order to obtain the two-thirds vote of the preferred stockholders requisite to adoption of the proposal described in clause (2) of the preceding paragraph, Arkansas proposes to employ the firm of Georgeson & Company to solicit proxies from the preferred stockholders. The estimated fees of Georgeson & Company for these services is $6,000. It is further stated that employees of the company will solicit proxies from the preferred stockholders residing in the company's area without any additional compensation to such employees.

Applicants-declarants state that the proposed charter amendments are necessary to provide flexibility in the powers of the corporation so as to enable Arkansas to finance its construction program on the most advantageous basis. It is further indicated that should the charter amendments become adopted Arkansas will later in the year sell common stock to Electric in the amount of approximately $4,000,000, and will issue and sell to the public approximately $8,300,000 in long-term debentures.

Notice is further given that any interested person may, not later than February 25, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW, Washington 25, D. C. At any time after February 25, 1949 said application-declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-1228; Filed, Feb. 16, 1949; 8:56 a. m.]

[File No. 70-2058]

LEE MOOR

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of February 1949.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Lee Moor. Applicant has designated sections 9 (a) (2) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 18, 1949, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 18, 1949, said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Applicant states that he is an affiliate of Southern Union Gas Company ("Southern"), as that term is defined in section 2 (a) (11) (A) of the act, by reason of his ownership of 195,819 shares or 18.23% of Southern's outstanding voting securities, including 75,916 shares held as trustee for Betty Lee Moor McGuire and 1,514 shares held as trustee for Bess Waskey. Applicant also owns, directly or indirectly, other securities of the company, as follows: 4,553 shares or 16.85% of its outstanding 4¼% Cumulative Preferred Stock. Applicant proposes to acquire, directly or indirectly, warrants entitling him to subscribe, directly or indirectly, for not to exceed 19,581.9 shares, including 7,743 shares as trustee of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants to acquire, directly or indirectly, 19,581.9 shares of such additional common stock, including 7,743 shares as trustee, at $12.50 per share. Applicant also proposes to acquire, directly or indirectly, additional shares, if any, which the warrants authorize to be subscribed, subject to allotment, and which are in fact allotted thereunder. Applicant states that, if desirable, he proposes to acquire as trustee for Betty Lee Moor McGuire all or any part of the warrants issuable to him in his individual capacity pursuant to warrant offering by Southern, or the common stock subject to subscription pursuant to such warrants, or both such warrants and common stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-1227; Filed, Feb. 16, 1949; 8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12755]

GALLUS BEISER

In re: Trust u/w of Gallus Beiser, deceased. File D-28-12529; E. T. sec. 16734.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

(1) That Cuet Benz and Giesela Benz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

(2) That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Trust created under the will of Gallus Beiser, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

(3) That such property is in the process of administration by Otto William Walter, as trustee, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Cuyahoga;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 49-1240; Filed, Feb. 16, 1949; 8:57 a. m.]

[Vesting Order 12767]

FRANK ANTON LICHTER

In re: Estate of Frank Anton Lichter, deceased. File No. D–28–12427; E. T. sec. 16647.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Zaver Dichiser, Wilhelm Dichiser, Rosa Eple, nee Weckenmann, Josef Alois Weckenmann, Elizabeth Sappe, nee Weckenmann, Karl Josef Weckenmann, Anna Marie Mussbaumer, nee Weckenmann, Thekla Theresia Becker, nee Weckenmann, Maria Magdelena Schafer, nee Weckenmann, Josef Kussmann, Rosa Hartlieb, nee Kussmann, Lina Schneider, nee Kussmann, Frieda Stoll, nee Kussmann, Friedrich Wilhelm Kussmann, Ruth Kussmann, Franz Anton Lichter, Wilhelm Lichter, Anna Barbara Lichter, Maria Rosa Zeller, nee Lichter, Marie Elizabeth Lichter, Johann Jakob Lichter, Marta Franziska Lichter, Elizabeth Gantner, nee Lichter, and Wilhelm Lichter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Frank Anton Lichter, deceased, presently being administered by Fred Bohr, Independent Executor, R. F. D. #1, Fairbanks, Texas,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–1185; Filed, Feb. 15, 1949; 8:51 a. m.]

[Vesting Order 12768]

LILI LOGERMANN

In re: Estate of Lili Logermann, also known as Lili Logemann, deceased. File No. D–28–12396; E. T. sec. 16619.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Lurssen, Frieda Wiebalk, Hugo Ackermann, Julius Ackermann and Erich Ackermann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Lili Logermann, also known as Lili Logemann, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the President and Directors of the Manhattan Company, 40 Wall Street, New York, New York, as Executors, acting under the judicial supervision of the Surrogate's Court New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–1241; Filed, Feb. 16, 1949; 8:57 a. m.]

[Vesting Order 12770]

WILHELMINE L. MOHRMANN

In re: Estate of and trust under the will of Wilhelmine L. Mohrmann, deceased. File No. D–28–2300; E. T. sec. 3111.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Luhmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the trust created under the will of Wilhelmine L. Mohrmann, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Minnie L. Fahnholz, as executrix and trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49–1186; Filed, Feb. 15, 1949; 8:51 a. m.]

[Vesting Order 12771]

WILHELMINE L. MOHRMANN

In re: Estate of and trust under the will of Wilhelmine L. Mohrmann, deceased. File No. D–28–2300; E. T. sec. 3111.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Luhmann, Dietrich Tiedemann, Christian Luhmann, Wilhelm Luhmann, Carl Mertense, Ernst Mertense, Conrad Mertense, Wilhelm Mertense, Heinrich Mertense, Sophia Mertense, Minna Mertense, and Hermann Mertense, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $3,375.00 was paid to the Alien Property Custodian by Henry Tietjen and Minnie L. Fahnholz, as exec-

utor and executrix of the estate of Wilhelmine L. Mohrmann, deceased;

3. That the said sum of $3,375.00 was accepted by the Attorney General of the United States on January 20, 1947, pursuant to the Trading With the Enemy Act as amended;

4. That the said sum of $3,375.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-1187; Filed, Feb. 15, 1949; 8:51 a. m.]

[Vesting Order 12772]

EDUARD NORDEN

In re: Estate of Eduard Norden, deceased, File: F-28-6703; E. T. sec. 12549.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erwin Norden and Gerda Norden-Berger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof and each of them, in and to the Estate of Eduard Norden, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ulrich Norden, as Administrator, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-1242; Filed, Feb. 16, 1949; 8:57 a. m.]

[Vesting Order 12701]

EMMA BUNGE

In re: Estate of Emma Bunge, deceased. File D-28-11001; E. T. sec. 15378.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Emma (Meyer) Mayer, Miss Bertha (Emma) Bunge, and Mr. Herman Bunge, whose last known address was, on September 24, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $20.10 was paid to the Attorney General of the United States by The First National Bank of Chicago, and Herman Kannenberg, co-executors of the estate of Emma Bunge, deceased;

3. That the said sum of $20.10 was accepted by the Attorney General of the United States on September 24, 1948, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $20.10 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on September 24, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-1183; Filed, Feb. 15, 1949; 8:51 a. m.]

[Vesting Order 12712]

CLARISSA E. LE BRETON

In re: Estate of Clarissa E. Le Breton, a/k/a Emile Clarissa Le Breton, deceased. Files: F-28-12981-C-1 and F-28-12981-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herbert Liesau, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to and arising out of or under that certain declaration of trust by Wayne Pflueger, pursuant to an order of the Circuit Court, First Judicial Circuit, Territory of Hawaii, entered January 2, 1935, is property payable or deliverable to or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Wayne Pflueger, as Trustee, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-1184; Filed, Feb. 15, 1949; 8:51 a. m.]

[Vesting Order 12797]

MRS. EMILIE THEUME AND MISS ELIZABETH NIEMANN

In re: Stock owned by Mrs. Emilie Theume and Miss Elizabeth Niemann. F-28-1360-C-1, F-28-1605-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Emilie Theume, whose last known address is 5 A. D. Munze, Luneburg, Prov. of Hanover, Germany, and Miss Elizabeth Niemann, whose last known address is c/o Mrs.Emilie Theume, A. D. Munze 5, Luneburg, Prov. of Hanover, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: One thousand three hundred and sixty (1,360) shares of capital stock of Bolivia Gold Exploration Company, evidenced by a certificate registered in the name of Mrs. Emilie Theume, and presently in the custody of Whitney National Bank of New Orleans, New Orleans 10, Louisiana, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Emilie Theume, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Five hundred and ten (510) shares of capital stock of Bolivia Gold Exploration Company evidenced by a certificate registered in the name of Miss Elizabeth Niemann, and presently in the custody of Whitney National Bank of New Orleans, New Orleans 10, Louisiana, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Miss Elizabeth Niemann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined;

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary, in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-1243; Filed, Feb. 16, 1949; 8:57 a. m.]

[Vesting Order 12800]

HARALD VON SCHENK

In re: Bank account and securities owned by Harald von Schenk, also known as Harold von Schenk. F-28-545-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harald von Schenk, also known as Harold von Schenk, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Harald von Schenk, also known as Harold von Schenk, by Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a custody cash account, account number IC 8678, entitled Mr. Harald von Schenk, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, in bearer form, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account numbered IC 8678, entitled Harald von Schenk, together with any and all rights thereunder and thereto,

c. Two hundred (200) shares of $1.00 par value common capital stock of Van Sweringen Corp., Terminal Tower Building, Cleveland, Ohio, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered TC2225/6 for one hundred (100) shares each registered in the name of Schmidt & Co., 140 Broadway, New York, New York, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account numbered IC 8678, entitled Mr. Harald von Schenk, together with all declared and unpaid dividends thereon,

d. One (1) fractional certificate for Conversion Office for German Foreign Debts, Series D, 3%, Dollar Bond, said certificate in bearer form, bearing the number 028359, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account numbered IC 8678, entitled Mr. Harald von Schenk, together with all declared and unpaid dividends thereon,

e. One (1) Receipt of Guaranty Trust Company of New York, Brussels Office covering shares of Handelsvereeniging, Amsterdam N. V. of the face value, series and evidenced by certificates numbered as follows:

	Series	Certificate No.
Face value:		
500 guilders	2	4293
500 guilders	2	4354
500 guilders	4	304
500 guilders	4	0771
500 guilders	6	1412
500 guilders	7	3166
500 guilders	8	1700
500 guilders	8	1825
500 guilders	8	2117
500 guilders	8	2097
500 guilders	8	3707
500 guilders	9	1927
500 guilders	9	2435
500 guilders	9	3147
500 guilders	9	4747
500 guilders	9	3831
500 guilders	10	708
500 guilders	10	811
500 guilders	10	1640
500 guilders	10	2285
500 guilders	10	2968
500 guilders	11	1211
500 guilders	11	3458
500 guilders	11	3990
500 guilders	11	3920
500 guilders	11	2799
500 guilders	12	9696
500 guilders	12	8523
500 guilders	12	6656
500 guilders	12	4939
500 guilders	14	2151
500 guilders	14	2630
500 guilders	14	5148
500 guilders	14	5960
500 guilders	14	6125
500 guilders	14	7039
500 guilders	13	7323
500 guilders	13	7080
500 guilders	15	1980
500 guilders	15	1599
500 guilders	15	1340
500 guilders	15	1092

said receipt presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York in an account numbered IC 8678, entitled Mr. Harald von Schenk, together with any and all rights thereunder and thereto, and

f. One (1) Receipt of Guaranty Trust Company of New York Brussels Office, covering shares of Royal Dutch Company for the Working of Petroleum Wells in Netherlands, India, of 1,000 guilders par value each, and evidenced by certificates numbered 474670/83, 431753, 115982, 79744, 281388, 474659/69, said receipt presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York in an account numbered IC 8678, entitled Mr.

Harald von Schenk, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Certificate number	Face value
Mortgage, Bank of Chile, guaranteed, 6%, S/F gold bonds of 1928.	M15570/3	[1] $1,000.00
Conversion Office for German Foreign Debts, 3%, dollar bonds.	D010991	500.00
	M015265	1,000.00
	C086971/2	[1] 100.00
	086965/8	[1] 100.00
	088905	100.00
	097102/4	[1] 100.00
German Consolidated Municipal Loan of German Savings Banks and Clearing Association, SEC S/F, 7%, gold bonds.	11771/2	[1] 1,000.00
State of Bremen, Germany Free Hanseatic City of Bremen 5% extended loan gold bonds.	M2473/6	[1] 1,000.00

[1] Each.

[F. R. Doc. 49-1244; Filed, Feb. 16, 1949; 8:57 a. m.]

[Vesting Order 12806]

SHIGETO HONDA

In re: Cash owned by Shigeto Honda, also known as Fred Shigeto Honda. F-39-6270.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9789, and pursuant to law, after investigation, it is hereby found:

1. That Shigeto Honda, also known as Fred Shigeto Honda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $2,493.80, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shigeto Honda, also known as Fred Shigeto Honda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Collector,
Office of Alien Property.

[F. R. Doc. 49-1245; Filed, Feb. 16, 1949; 8:57 a. m.]

[Vesting Order 12807]

LEHMANN & VOSS & CO.

In re: Bank account owned by Lehmann & Voss & Co. F-28-4195-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lehmann & Voss & Co., the last known address of which is Alsterufer 19, Hamburg 36, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Den Norske Creditbank, Oslo, Norway, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lehmann & Voss & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-1246; Filed, Feb. 16, 1949; 8:57 a. m.]

[Vesting Order 12809]

GERTRUD WOTTGEN

In re: Bank account owned by Gertrud Wottgen. F-28-29554-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Wottgen, whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gertrud Wottgen, by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, account number 974,317, entitled Gertrud Wottgen, maintained at the branch office of the aforesaid bank located at 4th Avenue and Fourteenth Street, New York 3, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 8, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-1247; Filed, Feb. 16, 1949; 8:57 a. m.]

[Vesting Order 12810]

LOUISE LUECKHOFF

In re: Bonds and mortgages, property insurance policies, corporate stock, bonds and claim owned by Louise Lueckhoff.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Lueckhoff, whose last known address is 90 Fischerthalstrasse, Wuppertal, Barmen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A mortgage executed October 29, 1925 by The Gibson Corporation to Lawyers Mortgage Corporation, and recorded on November 5, 1925, in the Office of the County Clerk of Nassau County, New York, in Liber 839 of Mortgages, page 198, which mortgage was assigned, after mesne assignments, by Henry Seib, as agent, to Louise Lueckhoff, by instrument dated January 28, 1927 and recorded in the Office of the County Clerk of Nassau County, New York on May 19, 1934 in Liber 1782 of Mortgages at page 217 and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to possession of the aforesaid mortgage, and all notes, bonds and other instruments evidencing such obligations,

b. A mortgage executed on October 29, 1925 by The Gibson Corporation to Lawyers Mortgage Corporation, and recorded on November 5, 1925 in the Office of the Clerk of Nassau County, New York, in Liber 839 of Mortgages, page 190, which mortgage was assigned, after mesne assignments, by Henry Seib, as agent, to Louise Lueckhoff, by instrument dated January 28, 1927 and recorded in the Office of the County Clerk of Nassau County, New York, on May 19, 1934, in Liber 1782 of Mortgages at page 219, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to possession of the aforesaid mortgage, and all notes, bonds and other instruments evidencing such obligations.

c. All right, title and interest of Louise Lueckhoff in and to the following insurance policies:

Fire Insurance Policy No. 9441 issued by Hartford Fire Insurance Company, Hartford, Connecticut, in the amount of $2,650.00, which policy expires October 29, 1949 and insures the property subject to the mortgage described in subparagraph 2-a hereof.

Fire Insurance Policy No. 9422 issued by Hartford Fire Insurance Company, Hartford, Connecticut, in the amount of $3,750.00, which policy expires September 18, 1949 and insures the property subject to the mortgage described in subparagraph 2-a hereof,

Fire Insurance Policy No. 9426 issued by Hartford Fire Insurance Company, Hartford, Connecticut, in the amount of $6,000.00, which policy expires September 18, 1949 and insures the real property subject to the mortgage described in subparagraph 2-b hereof,

d. One (1) Certificate, of $1,000.00 face value, and bearing the number M140326 R-31, in bearer form, for 3% Corporate Stock of The City of New York, Payable from Transit Unification Sinking Fund, due June 1, 1980, said certificate being presently in the custody of Katz and Sommerich, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

e. One (1) Atchison, Topeka and Santa Fe Railway Company, 4% bearer bond, due 1995, of $1,000.00 face value, bearing the number M91765, presently in the possession of Katz and Sommerich, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

f. One (1) Atchison, Topeka and Santa Fe Railway Company, 4% bearer bond, due 1995, of $500.00 face value, bearing the number D25501 presently in the possession of Katz and Sommerich, 120 Broadway, New York, New York, together with any and all rights thereunder and thereto,

g. That certain debt or other obligation owing to Louise Lueckhoff by Katz and Sommerich, 120 Broadway, New York, New York, arising out of monies heretofore collected on account of principal and interest on the property described in subparagraphs 2-a and 2-b and interest on the property described in subparagraphs 2-d to 2-f hereof, inclusive, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-g hereof, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 10, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-1248; Filed, Feb. 16, 1949; 8:57 a. m.]

[Return Order 259]

FIBRES ASSOCIATES, INC.

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Fibres Associates, Inc., New York, N. Y., Claim No. 5765; December 17, 1948 (13 F. R. 7812); Property described in Vesting Order No. 201, dated October 2, 1942 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 2,134,160 and 2,143,252. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 10, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-1189; Filed, Feb. 15, 1949; 8:52 a. m.]